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House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer: "Love justice, rulers of the earth, set your mind upon the Lord, as is your duty. Seek the Lord with simplicity of heart. He is found by those who trust Him without question, and makes Himself known to those who never doubt Him."

Lord, how boldly You speak, in the opening words of the Book of Wisdom. And You speak directly to those chosen to rule, govern and legislate for Your people.

Everything begins with a love of justice. If each day, each undertaking, each Member, each committee meeting and each debate would be focused on a true pervasive love of justice, neither time nor money would be wasted. Energy would run high and Your people would be animated with a transforming spirit that would shape this Nation and change the world.

Help Congress, Lord, to set all else aside as secondary and first, love justice, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4311. An act to amend section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to ten 1-minutes on each side.

LONE STAR VOICE: ALEXANDRA GARY

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, this week, the first National Guard troops hit our Nation's border. They are not carrying the same guns and ammunition as the Mexican military on the other side, but they are driving bulldozers and road equipment. They are starting a project that people all across the country support, fortifying our border, helping to prevent the invasion of the drug smugglers and human traffickers that blatantly infiltrate our Nation.

Americans want to see our Nation strengthened. Mr. Speaker, Alexandra Gary from Riverwood Middle School in Kingwood, Texas, writes to me, "I think we should stop trying to help people from Mexico come into America illegally. I think we should have a stronger border control. It is unfair to let so many people come to America illegally. It is almost like they are stealing. They sneak into our country and escape from paying taxes. They take people's jobs. The few people that we catch and return to Mexico just keep coming back. If we strengthen our borders, then no more can come in. All America needs is ideas and justice."

Mr. Speaker, those simple but strong ideas of justice come from a 12-year-old, someone who has more stake in the future of our nation than anyone on the floor right now. And as a legal citizen, no matter her age, she, unlike illegals, has the right to speak her mind. Alexander understands we are being invaded. Now it is our government's turn to understand this simple but wise truth. And that's just the way it is.

CRITICIZING THE HATE-FILLED WORDS OF ANN COULTER

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, as United States citizens, we are blessed with many freedoms. Among those is the right to freely speak our minds. While freedom of speech is one of the things that makes our country great, it also means we have to endure the words of a hater like Ann Coulter.

In her new book, the goddess of the right slanders the 9/11 widows, writing, "These broads are millionaires, lionized on TV and in articles about them, reveling in their status as celebrities and stalked by grief-arazzies. I have never seen people enjoying their husbands' death so much."

Lest Ms. Coulter forget, more than 3,000 Americans were killed simply because they lived in the United States. That doesn't matter to Ms. Coulter, because she is doing it to enrich herself.

But there is something more sinister in Ms. Coulter's words. The hate she spews is the same kind of hatred we are battling in the war on terror. As a country of thought and reason, I urge all of us to reject it.

I must ask my colleagues on the other side of the aisle, does Ann

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Coulter speak for you when she suggests poisoning Supreme Court Justices or slanders the 9/11 widows? If not, speak now. Your silence allows her to be your spokesman.

She should apologize to all of us who have lost our fellow citizens on 9/11.

U.S. AIRSTRIKE KILLS LEADING ENEMY OF FREEDOM IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rejoice in the death of no man, but today I will make an exception. As America and the world just learned, the al Qaeda leader in Iraq, Abu Musab al-Zarqawi is dead. The President of the United States said it was an opportunity to turn the tide and that the ideology of terror had lost one of its most visible and aggressive leaders, and it has.

But this was not simply a tactically significant strike by U.S. and Iraqi forces. Somebody dropped a dime. It is also evidence, as U.S. General George Casey in Iraq said earlier today, of increased cooperation.

I commend U.S. and Iraqi forces for this extraordinary accomplishment. The leading enemy of freedom in Iraq is dead. Abu Musab al-Zarqawi is gone. Let freedom reign in Iraq.

MAKE MEMBER VOTING RECORDS AVAILABLE TO CONSTITUENTS

(Ms. BEAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BEAN. Mr. Speaker, last month this Chamber passed without my support the Lobbying Accountability and Transparency Act. Unfortunately, this body failed to truly bring sunshine to its decision-making process to the American people.

Mr. Speaker, democracy works best when the American electorate is engaged and informed. If we want to truly regain the public's trust, we can provide greater accountability and transparency with a simple step. Let's start by communicating to our constituents about the votes we take.

Too many people feel left out of the process and find it difficult to locate and understand the votes cast by their representatives. That is why I encourage my colleagues to cosponsor H. Res. 797, which I introduced with my colleague CHRIS SHAYS.

This resolution would require each Member of this Chamber to provide a clear link from their publicly-funded official Web site to a new voting record database organized by Member name maintained by the House clerk. This nonpartisan database would give each American the opportunity with the click of a button to view a comprehensive list of every rollcall vote cast by their representative and see a description of each vote.

We are supposed be the most representative body of government. With this in mind, we should make it easy for citizens to be informed. Please cosponsor H. Res. 797.

WORLD A SAFER PLACE WITH THE DEATH OF AL-ZARQAWI

(Mr. KELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KELLER. Mr. Speaker, the killing of al-Zarqawi is the most important victory in Iraq since capturing Saddam Hussein. Al-Zarqawi was the Osama bin Laden of Iraq. He was al Qaeda's leader in Iraq. He personally beheaded American hostages on national TV. He bombed U.N. headquarters in Iraq and hotels Jordan.

I was with President Bush yesterday at the White House at the very moment he got the message that al-Zarqawi was killed. At exactly 3:57 p.m., National Security Advisor Steven Hadley told President Bush and also handed a note to Vice President CHENEY and Condi Rice that he had been killed. President Bush looked at the note, smiled and winked at Condi Rice. I knew something big had just happened.

I have just returned from Iraq, where I personally met with the people who tracked down al-Zarqawi. I met with General Stan McChrystal and his Special Operations team at their command center. All over the walls of the command center were posters of al-Zarqawi. They told us they were close to getting him and they would get him.

Well, they did get al-Zarqawi, and today the world is a safer place. Thank God for our troops.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN). Guests in the gallery should refrain from applauding.

AL-ZARQAWI'S DEATH A MAJOR MILESTONE IN WAR ON TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, we are making great strides in the war on terror with every new day. Just last night, Abu Musab al-Zarqawi, the mastermind behind countless brutal acts of terror, was killed in an air strike. Al-Zarqawi was directly responsible for thousands of bombings, assassinations, kidnappings and other acts of terror in Iraq and around the globe. Thanks to the hard work and perseverance of our United States military forces, he will no longer be able to kill.

This is a major victory in the war on terror and a major step setback to al Qaeda, as al-Zarqawi was one of its

strongest leaders. Yet as President Bush said, we cannot expect the terrorists to give up just because one of their most visible leaders is gone. We must continue to prosecute this war on terror until our mission is accomplished and until Iraq can defend and govern itself.

Mr. Speaker, I cannot begin to express how proud I am of our troops for their service, selfless attitude and sacrifice. They are making great strides. They are freeing people from oppression so they may enjoy the same freedoms Americans cherish. They are fighting a global war on terror, and they are winning.

I commend our military forces for reaching this great milestone and encourage them to keep up the great work.

FREEDOM IS ON THE MARCH IN IRAQ

(Mr. KENNEDY of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY of Minnesota. Mr. Speaker, last night, the murderous mission of one of the most brutal terrorist minds in Iraq, al-Zarqawi, al Qaeda's master of death and destruction to Sunni, Shiite, Kurd and coalition forces alike, has been brought to an end. The death of Zarqawi, al Qaeda's commander-in-chief of the insurgency, is proof to the people of Iraq, the United States and the world as a whole that freedom is on the march. His death in a U.S. military air strike represents another milestone in the war on terror.

We owe a debt of gratitude to our men and women in uniform who put themselves in harm's way to protect our freedom and to bring terrorists like al-Zarqawi to justice.

I call upon my colleagues to reaffirm our commitment to the important work our troops in Iraq are doing to make the world a safer place for people of all nations.

WASHINGTON REPUBLICANS PLAY POLITICS RATHER THAN OFFER REAL SOLUTIONS

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, we need to declare victory with the Zarqawi killing, and this is a time to also declare that the Iraqi government has completed the formation of its cabinet and we can start withdrawing our troops.

Now, all Americans are disgusted by what they see in Washington and they are looking for real leadership on the important issues of the day. First we could announce there are victories and we can start withdrawing our troops.

But, unfortunately, Washington Republicans prefer to waste time on partisan politics, instead of focusing on

priorities such as affordable health care, energy costs, the economy, the rising cost of staying in Iraq and the deficit.

This week, the Senate spent 3 days debating a gay marriage amendment that everyone knew was going nowhere. In order to pass out of the Senate, the amendment needed 67 votes, and they couldn't even get a majority. The issue should be dead for the year, but now we hear the House leadership plans to bring it up later this summer.

Mr. Speaker, let us give ourselves credit for what we have done in Iraq and let us focus on these issues and let us start withdrawing our troops.

AN IMPORTANT DAY IN THE GLOBAL WAR ON TERROR

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today is an important day in the global war on terror. One of al Qaeda's most evil and ruthless terrorists, al-Zarqawi, has been eliminated, along with seven of his top aides. Justice has prevailed.

As the leader of al Qaeda in Iraq, Zarqawi was the mastermind behind the brutal murder of countless innocent Iraqis, car bombings, assassinations, kidnappings and attacks on our troops. It was Zarqawi who appeared on Internet videos personally beheading innocent civilians for the whole world to see.

News like this shows that we are making steady progress in Iraq. The death of al-Zarqawi strengthens the new Iraqi government and Prime Minister al-Maliki and sends a clear message to the terrorists of the world. The courage and dedication of the U.S. and Iraqi and coalition security forces remind the world that the forces of freedom and liberty will ultimately prevail over the forces of murder and terror.

□ 1015

DEATH OF AL-ZARQAWI

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Mr. Speaker, thanks to the precise and swift action of the United States military forces, al-Zarqawi's reign of terror has ended.

Osama bin Laden and terrorists worldwide should note that there is no safe place for them to hide. Terrorists in Iraq should also note that the events of the last 24 hours are further proof that the Iraqi people want to live free from fear.

Last year we saw the Iraqi people send a strong message to the terrorists at the ballot box. Last month we witnessed the formation of a new unity government, and today Prime Minister Maliki announced the completion of his cabinet.

The American people understand the road to a democratic way of life is not an easy one. Just as our Nation struggled in the beginning, Iraq has difficult and challenging days ahead. But I am confident that with continued support of the coalition forces, Iraq will figure out the best way to govern themselves in freedom.

The Iraqi people, as well as our enemies, should know we will stay the course because the security of our Nation depends on the willingness to take action to protect and preserve freedom.

JUSTICE IN IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last night the brave men and women of the United States Armed Forces, with Iraqi security forces, delivered a major victory in the global war on terrorism.

Because of their tremendous patience, courage and skill, the most wanted terrorist in Iraq is now dead. And as President Bush has said, there is justice in Iraq.

As the operational commander of the terrorist movement in Iraq, al-Zarqawi delighted in the devastation of Iraq and the destruction of life. As the mastermind behind countless car bombings, mass murders and assassinations, he was responsible for the brutal deaths of many Americans and thousands of innocent Iraqis.

Today's victory in Iraq is a testament to the tremendous talent of the United States military. By risking their lives to kill terrorists in Iraq, these brave men and women are protecting the lives of American families and making our country safer.

As we celebrate this incredible milestone, I rise to express my sincere gratitude to our brave troops and our Iraqi allies.

In conclusion, God bless our troops, and we will never forget September 11.

VA DATA SECURITY

(Mr. SALAZAR asked and was given permission to address the House for 1 minute.)

Mr. SALAZAR. Mr. Speaker, last week the VA revealed that private information for over 26 million veterans was stolen from an employee's home weeks ago, putting their identities and credit at risk.

Mr. Speaker, my father used to have a saying that the more that you poke at a cow pie, the more that it stinks. Well, for nearly 2 weeks the administration insisted that the stolen data only contained the veterans' names, birth dates and Social Security numbers.

On Tuesday, though, the administration revised their story again. So what is the real story? We know that the stolen data contained personal infor-

mation of more than 2.2 million active duty personnel. Yesterday over 145 Members joined me in a letter to President Bush urging him to take action and help those affected to recover from this security breach.

We have introduced legislation, H.R. 5455, that would be the first step in giving veterans access to 1 year of free credit monitoring. I urge my colleagues to cosponsor this bill.

Mr. Speaker, this last month has been an embarrassing display of the VA consistently failing to provide timely information about the severity and scope of the data. The delays and misinformation have hurt veterans and military personnel. It has hurt them at a time when we should be taking aggressive steps to protect their identities and financial standing.

Our veterans and our troops deserve answers and action right now.

AL-ZARQAWI DOWN, FREEDOM UP

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, sometimes a person's mere existence causes death and destruction in this world. Abu Musab al-Zarqawi, al Qaeda's leader in Iraq who has led a bloody, bloody campaign of suicide bombings and kidnappings, was killed yesterday by our U.S. forces in an air raid north of Baghdad.

The death of this terrorist breathes new life into our efforts to implement democracy in a region desperate for freedom and hungry for peace.

Mr. Speaker, the Iraqi Parliament, as well, made a major breakthrough today by appointing officials to lead the country's top security ministries, giving Iraq a complete government for the first time since their elections in December of 2005.

Victory in Iraq is not only possible, Mr. Speaker, it is approaching. I want to tell my colleagues on the other side of the aisle, our troops are putting their lives on the line every day and making the sacrifices necessary to ensure safety, security, and a democratic Iraq, which will provide a model for a free and representative government in the Middle East.

Mr. Speaker, peace is a product of strength and democracy. We are showing strength by eliminating the terrorists and implementing democracy which will help root out Islamic extremists in the Middle East.

DEMOCRATS ARE FOCUSED ON THE AMERICAN PEOPLE'S PRIORITIES

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, while House Republicans plan to use the next couple of months trying to distract the attention of the American people away

from their failures, House Democrats are focused on the American people's priorities.

While Washington Republicans have allowed our dependence on foreign oil to increase over the last 5 years, House Democrats are committed to achieving energy independence in the next 10 years. We would do this by doubling the percentage of renewable fuels sold in America in 6 years, increasing the percentage of flex-fuel vehicles that run on ethanol or gasoline, and investing in biofuel research.

While Republicans attempt to run from their fiscal record of turning a \$5.6 trillion surplus into a \$4 trillion deficit, Democrats continue to propose fiscally sound budgets that incorporate the pay-as-you-go policies that led to the record surpluses of the 1990s.

The Democratic budget for the upcoming year would have balanced the budget by 2012, something the Republicans neglect to do in theirs. Democrats have solutions to the problems Republicans ignore.

If House Republicans were really interested in solving our Nation's problems, they would stop the attempts to distract and would instead offer some new ideas.

VA DATA SECURITY BREACH

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I am deeply concerned that nearly 27 million veterans could be affected by a data security breach of record proportions that could compromise sensitive personal information, and every day we learn more.

Tuesday we learned that names, dates of birth and Social Security numbers for as many as 1.1 million active duty U.S. military personnel, 430,000 National Guard members, 645,000 Reserve members, may also have been included.

This elevates the concern for personal financial security of some veterans to national security for all. This data could be used to identify where servicemembers live, demographics that a lot of our enemies would like to know.

Unfortunately, data breaches like this highlight the need for legislation I have authored, H.R. 4127, the Data Accountability and Trust Act. This bill, which the Energy and Commerce Committee has passed by a huge bipartisan vote, goes to the heart of this problem of the critical need to protect consumers' personal information.

Mr. Speaker, let's pass H.R. 4127 as soon as possible.

GOOD WORK OF OUR TROOPS IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, having just returned from Iraq, I can appreciate the great celebration for the outstanding work of the special forces in the bringing down of an enormous terrorist, Zarqawi. That is an important step.

Most Americans will celebrate. And meeting personally the special forces both in Iraq and Afghanistan, it is a day for commendation and respect. It is important, however, that we begin as well a detailed outlook and plan for having our soldiers be able to claim the victory that they should claim and begin, as soon as practicable, their return home.

It is also important for the sovereign nation of Iraq to build up the Iraqi National Army, which our forces are training in an outstanding manner, and their police. It will only be when the Iraqi people believe that their own police and army can secure them that we will have the opportunity for that sovereign government to stand, and we must move as quickly and expeditiously as possible for them to understand that is their first priority.

The real war is the war between Sunnis and Shias. That is a civil war, and the Government of Iraq must solve that problem.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 851 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 851

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: the number "5" on page 60, line 4; section 526; beginning with "Of" on page 86, line 1 through "That" on line 16; section 538; beginning with the semicolon in section 565(a)(2) through "501)" in section 565(a)(3); and sections 570 and 579. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such pro-

vision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking member of the Committee on Appropriations. The rule also provides one motion to recommit with or without instructions.

I would like to take this opportunity to reiterate that we bring this legislation to the floor under an open rule. Historically, appropriations legislation has come to the House governed by an open rule, and we continue to do so, in order to allow each Member of this House the opportunity to submit amendments for consideration as long as they comply with the rules of the House.

Mr. Speaker, the legislation before us today appropriates over \$21 billion, an increase of \$600 million over last year, for operations across the globe. The bill is fiscally sound while at the same time compassionate and globally responsive to needs of those plagued by disease, famine, and disaster.

H.R. 5522, the legislation that we bring to the floor today, bolsters the President's Millennium Challenge Corporation to \$2 billion, nearly a quarter of a billion dollars more than in fiscal year 2006. This expansion of assistance is meant to encourage transparency in government and to fight corruption in some of the world's poorest nations.

The Millennium Challenge, which President Bush called a new compact for global development, provides assistance through a competitive selection process to developing nations that are pursuing political and economic reforms in three areas: Ruling justly, investing in people, and fostering economic freedom. Contributions from the Millennium Challenge Corporation are linked to greater responsibility from developing nations.

The new responsibilities these developing nations accept and exchange for funds ensue that the monies we provide do not go to waste and will have the greatest possible impact on those who need help the most.

Three years ago in his State of the Union address, President Bush announced for President's Emergency Plan for AIDS Relief, the largest international health initiative in history initiated by a single government to address one disease. This bill demonstrates Congress's continued support of the fight against HIV/AIDS as it includes over \$3.4 billion to continue the fight against HIV/AIDS. It is an increase of over \$750 million. I congratulate the committee on the sizeable increase for this program. It demonstrates our resolve, our determination to help all those across the globe who fight this disease.

In other foreign assistance, H.R. 5522 funds the Andean Counter Drug Initiative at the President's request \$721 million. Economic growth in the area since the start of Plan Colombia is proof that the assistance we have provided Colombia has made a difference in that country. President Uribe has made great strides to combat narco-terrorism in Colombia. Under his leadership, Colombia is now neutralizing guerilla forces and prosecuting those who are implicated in serious crimes.

However, we must not take progress in the Andean region for granted. If the United States turns its back on the region, a scenario could ensue that would require greater U.S. investment at a time when we have significant responsibilities worldwide.

The underlying legislation, Mr. Speaker, also provides about \$2.5 billion for military and economic assistance to Israel. We must and we will continue to ensure that our friends and allies remain secure. A strong Israel is necessary to the United States national interests and to stability in the Middle East. We are committed to doing everything we can so that Israel is safe and secure within her border, especially as the terrorist group now in the government in the Palestinian Authority and also the Iranian dictatorship continue to threaten to wipe Israel off the face of the map, something that will not happen and we would never permit.

The particular concern to my district is funding for the Republic of Haiti. That country has undergone a tumultuous few years of political instability as well as being hit by a natural disaster. The bill fully funds the President's request of \$164 million in funding for Haiti.

Over the last two decades, an estimated 2 million people in Sudan have died due to war-related causes and famine, and millions have been displaced from their homes. This bill fully funds the President's request of \$450 million, with \$137 million devoted to Darfur. Assistance is conditional; it will only be given to the coalition government if

that assistance is in direct support of the comprehensive peace agreement or the Darfur peace agreement.

Mr. Speaker, H.R. 5522 was introduced and worked on in a very detailed and serious way by Chairman KOLBE and reported out of the Appropriations Committee on May 26 by a voice vote. It is a good piece of legislation, important to our continued commitment to the security and safety of all citizens and residents of the United States, and we bring it forth under an open and fair rule.

I would like to take this opportunity to thank Chairman LEWIS and Chairman KOLBE and Ranking Member LOWEY for their leadership on this important issue. I would like to point out that this is Chairman KOLBE's final appropriations bill as chairman of the Foreign Operations Subcommittee. It has been truly a pleasure to work with Chairman KOLBE on the Foreign Operations appropriations bill and on many other important legislative projects throughout his distinguished career in this House. I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend and colleague from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me the time. I yield myself such time as I may consume.

Mr. Speaker, as many in this body know, Representative DIAZ-BALART and I are privileged to represent perhaps the most international region of our country in South Florida. It is therefore only fitting that the two of us be here today to manage this rule on the foreign operations appropriations bill. I look forward to a fruitful discussion with the gentleman on many important issues facing our Nation abroad.

Mr. Speaker, I rise today with great concern about the foreign operations appropriations bill for fiscal year 2007. While the other 10 appropriations bills fund our domestic priorities, the foreign operations bill outlines and fulfills our commitments abroad. It serves as Congress's most significant diplomatic statement each year. I just hope that the international community isn't listening this time around.

The underlying legislation not only shortchanges funding for some of our country's most critical foreign programs by almost \$2.4 billion, but it sends a clear message to our allies and enemies alike that the United States Congress is not seriously fulfilling America's commitment to the global community. I am certainly pleased that the bill has increased funding for development assistance, critically important child survival nonHIV/AIDS programs. It has increased funding for basic education programs and HIV/AIDS funding.

Nevertheless, I remain concerned that we are not doing enough in other areas. The dramatic underfunding of

critical programs throughout the underlying bill calls into question the House's commitment to refugee assistance, debt relief, democracy in eastern Europe and the former Soviet Union, the global environmental facility, and foreign aid in general.

Let me drop a footnote there. The chair and the ranking member have done the best that they could with what they have, but it is the overall parameters and all of our responsibility here in the House that fails. Perhaps most troubling, these cuts dramatically hinder the President's ability to conduct the business of this country abroad. As our colleagues come to the floor today to discuss, debate, and consider the underlying legislation, I sincerely hope that they will look at the statement this bill is sending to the international community and reconsider some of these dramatic cuts.

Mr. Speaker, for the last 2 years, I have had the great honor and privilege to serve as the president of the Organization for Security and Cooperation in Europe's parliamentary assembly. In this capacity I have traveled to 29 countries in Europe, the former Soviet Union, and Central Asia; I have met with heads of state, foreign ministers, ambassadors, colleagues of foreign parliaments, our ambassadors, and interest groups throughout the OSCE region.

If I have learned anything during this time, it is that the principles of freedom and democracy in many places in this world are still struggling to break free from the bondages of oppression and tyranny. Today is a day when American leadership in the world is desperately needed.

In the former Soviet Union, many states are struggling desperately to establish solid democratic foundations. How is Congress helping them? By cutting economic aid to eastern Europe and the former Soviet Union countries by a total of \$202 million from last year's level. At a time when African nations are being forced to allocate well over 50 percent of their annual budgets to repay debt to western countries, how is Congress helping? By cutting debt relief funding by more than \$44 million to a level that is more than \$160 million less than President Bush's request.

Throughout the world, the number of refugees fleeing across borders to escape persecution and poverty is increasing, yet the House is now poised to reduce the United States' commitment to international refugee assistance by almost \$33 million, \$82 million less than President Bush's request. In Sudan and Congo, innocent people are dying for no reason other than the color of their skin or the religion that they practice, but our financial commitment to them continues to fall short.

How about the Millennium Challenge Account? As my colleagues will recall, Congress established the account in

January 2004, and through fiscal year 2006 has underfunded the account by \$2.6 billion. The underlying legislation, as has been the case in the past, again shortchanges the Millennium Challenge Account by \$1 billion. And don't even get me started on the bill's rescinding of \$188 million in already appropriated dollars to the World Bank. No wonder so many in the world have really stopped looking at us as a place of hope and compassion and reliability.

□ 1045

As the lone superpower in the world, Mr. Speaker, we must not allow ourselves to become encapsulated in the philosophy of leadership by force. Our military must not only be the strongest in the world, and they are, and today I compliment the special forces for their extraordinary efforts in bringing to ultimate justice a person that was an ultimate terrorist, but so must our diplomacy be strong and the best in the world. America's willingness and sincere interest to utilize the voices of reason and persuasion over the barrel of a gun must be guided by sound principle in its foreign policy.

The underlying legislation, not the defense appropriations bill as some in this body may want you to believe, in my judgment, is the greatest tool that Congress has in its box to show the world true American strength. Whether or not we choose to maximize this tool is, frankly, up to us. I fear, however, that the underlying legislation comes up dramatically short of what needs to be done.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I also take this opportunity, I think it is very appropriate and just to do so as we discuss legislation that furthers the U.S. national interests in our foreign policy, to commend our forces in Iraq who have managed that great victory of the elimination of the leader of the al Qaeda terrorist network there, who had caused so much pain and suffering, not only to our forces, but to the people of Iraq.

The action of the American Armed Forces is to be commended, as well as admired, and freedom-loving people throughout the world, I know, are joining us today in congratulating the U.S. Armed Forces for the great success in the elimination of the terrorist head in Iraq.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Arizona (Mr. KOLBE), the prime author of the legislation that we are bringing forth today.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Florida for yielding this time, and I also want to thank him for the very kind remarks that he made a few moments ago.

As he pointed out, this will be the last regular, foreign ops appropriation bill that will be brought to the floor

under my tutelage as chairman of that subcommittee. It has been a great privilege and a pleasure for the last 6 years to bring this bill to the floor. It has also been a great pleasure to work with the gentleman from Florida, who has the responsibility for foreign affairs issues in the Rules Committee.

Mr. Speaker, I do rise in support of the rule. I will be very brief because I will make most of my remarks during the debate, when we get to general debate on the bill itself, but I do rise in support of the rule for consideration of H.R. 5522, which is the fiscal year 2007 appropriations bill for foreign operations, export financing and related programs.

As has been pointed out, the total in this bill is \$21.3 billion. That is \$597 million over the amount provided in fiscal year 2006, not counting supplementals; but it is fully \$2.4 billion below the President's request. This means that there is \$2.4 billion elsewhere in the budget for critical needs. The gentleman from Florida on the other side also spoke about some of those. Whether we are talking about veterans care or education or health programs, it is \$2.4 billion that is freed up by the fact that our allocation has been reduced, and yet our allocation is still more than 5 percent over the amount that we had last year, and I think it is a fair amount.

We are once again faced with difficult choices in developing this recommendation because we are significantly below the President's request. The President's budget request had significant increases for the Millennium Challenge Corporation, for HIV/AIDS, and reconstruction and stabilization efforts in both Iraq and Afghanistan. While no one got everything they wanted, the recommendation I think strikes a difficult balance among the competing priorities, and at the same time fiscally responsible.

Our priority has been to increase funding for the war on terror. We have also increased the Millennium Challenge Corporation by about \$245 million, enough of an increase to make clear our commitment to the Millennium Challenge Corporation. We believe the MCC is working. We believe they are doing the right thing, and we are going to continue on a path towards increasing it as a vehicle for delivering foreign assistance around the world. We have also increased international health spending, and those are the three priorities which lie at the core of U.S. interests abroad.

Mr. Speaker, H.R. 5522 is a package of foreign assistance which has been formed by experience. It funds programs that are accountable and transparent; and most importantly, it helps to secure and protect the United States abroad. It was developed in a bipartisan manner, and I believe that it should have wide support on the floor of the House.

This is a fairly standard rule. It is an open rule, allowing for amendments;

and we have a number of amendments which will be discussed here later today. I expect a thorough and complete debate on a number of areas of U.S. foreign policy, and I believe that this will be the House of Representatives at its finest hour.

Mr. Speaker, I rise in strong support of this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Before I yield to my very good friend from New York, I would like to compliment my very good friend who just spoke, Mr. KOLBE, the chairperson of this particular committee, and compliment him for the 6 years of very active work on behalf of this country. I know for a fact that he did all that he could with what he had; and you are to be thanked, Jim, for your great service, and you will be missed sorely by all of us.

However, I can honestly say I will not miss going on CODELS with you because of your indefatigable energy when we are on CODEL; and if we had the time, we could share some stories in that regard.

Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), the ranking member of the foreign operations subcommittee.

Mrs. LOWEY. Mr. Speaker, I rise in strong support of this rule, and I thank the Rules Committee for granting a fair, open rule for the consideration of the foreign operations bill.

While I am disappointed that this rule leaves several commonsense provisions in the bill vulnerable to points of order, I am grateful that the Rules Committee has protected section 587 of the bill. This provision will enhance the focus of U.S. foreign assistance programs on supporting women's access to economic opportunity and will help women take full advantage of the possibilities of the global economy.

I am particularly appreciative to Congresswoman ROS-LEHTINEN, Chairman HYDE and, of course, Chairman KOLBE for enabling this language to be maintained; and I look forward to several robust debates today on a number of issues affecting U.S. foreign policy and U.S. foreign assistance.

Of course, I am appreciative of our chairman, and I will thank him appropriately again. I think we have expressed our appreciation and devotion and respect probably at least a half a dozen times, but you deserve it every time, Mr. Chairman.

So I want to again thank the Rules Committee for allowing these debates to proceed by granting an open rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding and congratulate him on his management of this very important piece of legislation.

Let me begin by joining and extending congratulations to our friend from Tucson, Mr. KOLBE, for the superb leadership that he has provided on this measure. I am looking at him at this moment, Mr. Speaker, and he is sitting with the distinguished minority ranking member, Mrs. LOWEY.

In the Rules Committee yesterday when we were dealing with this issue, everyone was praising the fact that this measure is moving ahead with strong bipartisan support. I think the leadership that JIM KOLBE has provided on this demonstrates his commitment to good public policy and addressing it in a bipartisan way, and I want to extend my hearty congratulations to him.

I want to say this measure is very important. We, of course, all have gotten the news this morning of the killing of Abu Musab al-Zarqawi, that charismatic al Qaeda leader who has been responsible for some of the most heinous acts and, of course the very, very sad killings and beheadings of a number of people who come to mind; and as the Secretary of Defense said earlier this morning, this man probably has more blood on his hands than any other human being when it comes to terrorist acts in the past few years. So we, I believe, are in the midst of understanding that the leadership that the United States of America is providing through our foreign assistance package is one which is playing a role in helping us win the global war on terror.

We obviously are faced today with the potential for great tragedy and retaliation because of the killing of al-Zarqawi, but we also have to recognize that when the members of the Iraqi media lurched to their feet and applauded, celebrating the killing of Abu Musab al-Zarqawi, this is a great day for the people of Iraq who do want freedom and liberation and an opportunity to proceed with self-determination.

Mr. Speaker, that has come about in large part due to the leadership that JIM KOLBE and Mrs. LOWEY and others have provided in this package that we are going to be voting on today. It is an important one, and I know that it is often criticized by many as simply taking U.S. taxpayer dollars and sending them to other parts of the world and, frankly, much of this is expended right here in the United States to help us deal with the development of political pluralism, the establishment of democratic institutions, and very important societal needs that exist in a number of countries in the world.

One of the things that I mentioned in the Rules Committee last night, Mr. Speaker, was the fact that Mr. KOLBE serves as a very important member of the House Democracy Assistance Commission and you, Mr. Speaker, are a very important member of that commission as well, and it was one that I was pleased that a little over a year ago Speaker HASTERT and Minority Leader PELOSI came together and es-

tablished this bipartisan commission that is designed to look at a number of countries that are really beginning to take steps towards democracy that have recently held elections and elected parliaments.

We have created a chance for direct parliament-to-parliament consultation, working member to member, with members of these new parliaments, working with staffs, working with officers of these parliaments to make sure that we help them move into establishing the very important things that are in our Constitution and we have a tendency to take for granted.

But many in this world are moving towards that, being the responsibility of oversight from the legislative branch to the executive branch, making sure that they deal with constituent service and a wide range of these other things that we in the United States House of Representatives engage in, and I believe that the existence of this commission, which I am very privileged to work with our colleague DAVID PRICE from North Carolina who serves as the ranking minority member on, is important and much of the funding for that is coming through this appropriation bill that has been put together.

Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Speaker, I would just like to ask a question. It is my belief that compared to gross domestic product that America spends less than 1 percent on the foreign relations and this particular matter. Do you feel, as I do, that we are pretty stingy compared to other countries when it comes to that measure? Everything you said is true, and all of those things are wonderful; but I still think that we are pretty stingy in this arena.

□ 1100

Mr. DREIER. If I can reclaim my time, Mr. Speaker, I would say to my very good friend from Fort Lauderdale, who serves so ably on the Rules Committee, that I don't believe that we are stingy at all. I think the American people are very, very generous.

I know my friend has been involved in providing leadership in a wide range of areas internationally, and he has had a commitment to dealing with many of these issues. I think that the United States of America has demonstrated its generosity, not only through its foreign assistance package, but also through the eleemosynary activities of so many Americans who are voluntarily involved. I think of the wealthiest person in the world, Bill Gates, who has stepped forward to deal with the AIDS in Africa crisis. He voluntarily has done many, many things to help deal with this issue.

So I would say a resounding no, we are not stingy when it comes to this issue. We are, I believe, very cost effec-

tively, Mr. Speaker, dealing with the important needs that are out there. And my friend raised the issue of the percentage of the gross domestic product what is being done, and of course, what is brought to mind for me is another issue, and that is, in fact, that we have seen a great reduction in our Federal deficit as a percentage of the gross domestic product. It is now below 2.6 percent of the GDP.

And I think that our growing economy will again put dollars in the pockets of Americans so that they will be able to voluntarily deal with many of these needs that exist in other parts of the world.

So I thank my friend for his question, and I thank again the distinguished vice chairman of the Committee on Rules for his leadership on this and a wide range of other foreign policy initiatives, and again congratulate my friend, the distinguished chairman of the Subcommittee on Foreign Operations for his fine work.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the chairman for his response. Bill Gates and others in their eleemosynary undertakings do not have the responsibility that we do here in this body to undertake appropriate foreign undertakings.

That said, I would at this time yield 3 minutes to my friend, the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this. I rise in support of the open rule. I join my colleagues in praising the leadership of Mr. KOLBE, with whom I have had an opportunity to learn a great deal from his tutelage as Chair and his commitment to foreign affairs, and to watch Mrs. LOWEY and Mr. KOLBE make the most out of the difficult budget hand they have been dealt.

This is, in fact, a great investment of American tax dollars. It is not just the right thing to do morally, but it does make markets for U.S. goods, it helps developing partners around the world in commerce, and it is much cheaper than the military option. Think of what could have been accomplished with the trillion dollars we will have spent in Iraq.

It is time for us, however, I think, for us to consider some adjustments in philosophy and direction. I know there is going to be some proposals later in amendments that would deal with issues regarding Egypt, where we have given some \$25 billion since 1979, and, sadly, the repressive tactics against journalists, against people who would exercise their Democratic rights is a sad commentary. And I do not think that we need to be held hostage for putting vast amounts of military assistance into Egypt at a time when they are not responding in ways that are consistent with what we are trying to do. I think sending some modest signals that we are not going to be held hostage is important.

Indeed, one-half of the top 25 recipients of United States' arms in the developing world are undemocratic, according to the United States State Department's own record. I think that is an unfortunate commentary. And I will be offering an amendment later in this debate, with my good friend, the gentleman from Iowa (Mr. LEACH), who chairs our Subcommittee on International Affairs on Asia, to divert \$250 million from the military aid to put it in assistance that would make a difference for foreign countries around the world to deal with the fact that there are a billion people around the world who live on a dollar a day or less; that every 15 seconds, a child dies from waterborne disease. Indeed, one-half of the people who are sick today anywhere around the world are sick needlessly from waterborne disease.

This Chamber, last year, supported bipartisan legislation, the Water for the Poor Act, named after our colleague, Senator Paul Simon, that has the potential of being transformational for these people. But what we need to do is to invest money to make that the case. So I am going to strongly urge that my colleague look at this proposal, much to be commended, but to look at one specific adjustment, putting money away from arms to undemocratic areas where, frankly, it is not the highest priority, and, instead, invest 250 million additional dollars for this critical economic and development aid.

Remember, last year, in the total budget for the entire world dealing with this problem of waterborne disease, the entire budget was only \$200 million, after we had worked and worked and worked. This budget currently only provides \$50 million. We can do more, and I strongly urge consideration of the Leach-Blumenauer amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4 minutes to my good friend from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. I know that there will be a general debate, but I want to take this opportunity to acknowledge one of the best working teams that we have in the House, and that is the team of LOWEY and KOLBE on Foreign Ops. And I want to take this time on the rule to thank Mr. KOLBE for his spirited commitment to Africa and developing nations and his partnership with Mrs. LOWEY, who always finds a basis of resolve and, if you will, a solution. So we thank you, and I pay this tribute to Mr. KOLBE on what I believe will be his last Foreign Ops bill.

But I agree with Mr. HASTINGS in suggesting that foreign ops is our face to the world. And with his experience

of traveling on behalf of this Nation, I am saddened by what the appropriators have had to do in this foreign ops bill, because we have turned our backs somewhat on the world.

We can applaud the special forces as our gun and the bringing down of Zarqawi, but really diplomacy and government and governance is going to win the war in Iraq. So it is important that we have investment in those kinds of issues.

Let me speak specifically to the question of Sudan. And although we realize that in addition to the Darfur issues, there are rebel issues, and rebels play a part in the conflict, it is the government of Sudan that needs the overcoming of its attitude of disingenuousness in not paying attention to finding ways to resolve the conflict. I would hope that an amendment, or at least language that I have that focuses on Chad, and realizes that the burden of refugees needs to have additional funding and focus so that the Sudanese situation can move forward. I hope we will have an opportunity to debate that amendment and also include that language but, more importantly, as we move to the Senate, have funding for Chad.

I hope we will also recognize that Afghanistan is really the war we can win. Finding now Osama bin Laden, but more importantly, investing into the regional reconstruction plan so that we can have more schools and hospitals and infrastructure for a country that has absolutely nothing, yet its people are inclined to move enthusiastically towards democracy. President Karzai represents stability, and we need to invest more in the reconstruction of Afghanistan.

Then I hope that we would have the opportunity to address the question of what we call codes of conduct in many of our Islamic countries who overlook the rape of women, gang rapes in fact, where the nations condone the rape to the extent that they allow the cultural mores to exist over the safety and security of women. We have seen this happen throughout the Islamic world, where there are gang rapes and no prosecution.

It is extremely important that we focus on these tragedies that are occurring, and they occur in countries that happen to be our allies. So I hope that language on that will be accepted to respond to the rape and pillage of women without any protection whatsoever.

I would also add to the Afghan funding is the necessity of protecting the parliamentarians. There is a democratically-elected government in Afghanistan with a large percentage of women parliamentarians who are fearful of going back to their districts. They need security, and that should be the face of the foreign appropriations as well. Meeting with them in Afghanistan just recently, they begged us to provide them with security, security, security.

So let me thank the appropriators for doing the best that you could do, but,

unfortunately, it does not help the face of America to cut in such crucial areas as have already been mentioned. But in any event, I hope we will have the ability to improve on this in the Senate and as well to not turn our back on the ways that we can add to democratization and add to the security of the world.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I want to thank my good friend, Mr. HASTINGS, and all who have participated in this debate. We are very proud to bring forth this appropriation bill with an open rule. Very proud of the underlying legislation, with over \$21 billion in assistance for countries throughout the world to help with disease and with poverty.

The American people are very generous, year after year after year, and I am very proud to be a Representative here in this House of that generous people.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 850 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 850

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for

amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1115

UNFUNDED MANDATE POINT OF ORDER

Ms. BALDWIN. Mr. Speaker, I make a point of order.

Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 850. Page 1, line 7, through page 2, line 1, states: "All points of order against consideration of the bill are waived."

The rule makes in order H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006, which contains a large unfunded mandate on State and local governments in violation of section 425 of the Budget Act. Section 426 of the Budget Act specifically states that the Committee on Rules may not waive section 425; and, therefore, this rule violates section 426.

The SPEAKER pro tempore. The gentlewoman from Wisconsin makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974. In accordance with section 426(b)(2) of the Act, the gentlewoman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate the Chair will put the question of consideration, to wit: Will the House now consider the resolution?

The Chair recognizes the gentlewoman from Wisconsin.

Ms. BALDWIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in January of 1995 in the first few weeks after the Republicans took control of this House for the first time in 40 years, they passed a bill they proudly called the Unfunded Mandates Reform Act.

The goals of this bill, they argued at the time, were honesty and accountability. It would force the Congress to publicly acknowledge when it passed legislation that imposed large, unreimbursed uncompensated costs known as unfunded mandates on State and local governments.

As our former colleague and current director of the Office of Management and Budget, Rob Portman, said during the debate back in 1995, "No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view."

But here we are 11 years later and the tables have turned. My Republican colleagues are bringing to the floor a bill

that imposes hundreds of millions of dollars of unfunded mandates on communities across this country whose local public, educational, and government accessible channels, known as PEG access channels, as well as institutional networks known as I-Nets, over which our police, fire and emergency communications often travel, will be gutted by the legislation we are considering today creating a national cable franchise system.

As provided under the rule, H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act, also known as the COPE Act, would limit available support for PEG access channels to a maximum of 1 percent of an operator's gross revenue, less than what many communities receive today. This legislation's one-size-fits-all approach fails to keep communities financially whole.

Local cable franchises are long-term contracts signed between a cable operator and a community, and some go as long as 15 years. Yet this bill allows cable operators to walk away from those signed and sealed contracts, causing the city to lose long-term revenue it expected to get under those contracts.

Many communities have made the decision in their local franchises to require more than 1 percent worth of PEG and I-Net support more than would be available under COPE. In those communities that make robust use of these resources, enactment of this bill may result in the loss of up to 67 percent of their budgets for these important and crucial services.

Indeed, according to the Congressional Budget Office's cost estimate for the bill, by prohibiting local franchising authorities from charging cable providers more than 1 percent of their gross revenues to provide PEG programming, enacting COPE would lead to a loss in State and local revenues estimated to be between \$150 million and \$450 million by 2011. Even with projected offsets from other provisions of the bill, the Congressional Budget Office estimates that the net cost of this mandate would likely fall between \$100 million and \$350 million per year by 2011.

Because of CBO's conclusion that the annual cost of this mandate over the next 5 years will exceed \$64 million, which triggers the unfunded mandate law that Republicans so proudly backed in 1995, I am raising this point of order against the rule.

The fact is that the rule waives all points of order against this bill. The Budget Act specifically says that the Committee on Rules cannot waive points of order against unfunded mandates, yet the Republican leadership ignores this. So in the spirit of the debate in 1995, I am raising this point of order that will force us all in the public view to vote up or down this unfunded mandate.

During these really challenging economic times with very tight local and

State budgets, how many States and localities can afford this? Local programming and police and fire communications traffic supported by I-Nets should not be allowed to be diminished through the passage of this bill. Yet because of this unfunded mandate, the city of Madison in my own congressional district will see losses in the tens of thousands of dollars per year, while larger franchises such as that in Montgomery County, Maryland, will suffer almost \$2 million in losses.

Mr. Speaker, I will submit for the RECORD a chart compiled by the Alliance for Community Media detailing how 45 local franchising authorities in 13 States will lose huge percentages of their annual PEG funding under the COPE Act.

During the committee markup of H.R. 5252, and subsequently at the Committee on Rules, I offered an amendment that would have remedied this problem. In addition to the option of a PEG fee based on 1 percent of the cable operator's gross revenue, my amendment allowed the franchising authority to continue requiring cable operators with a national franchise to pay a fee equivalent to the value on a per subscriber, per month basis of all PEG support currently provided by an incumbent cable operator in a franchise area pursuant to that incumbent's existing franchise agreement.

This hold-harmless approach would have ensured the current level of PEG funding that was in no way diminished by the transition from local to national franchise systems.

Under my amendment, the new national cable franchisee will not pay a single cent more than what the current incumbent cable providers are already paying. More importantly, my amendment would have eliminated this unfunded mandate that will cost local communities hundreds of millions of dollars. Unfortunately, my amendment was not allowed to come to the floor for a vote under this restrictive rule.

Mr. Speaker, if this legislation passes, the diverse and vibrant offerings of public access channels on cable television will face enormous challenges.

I want to talk a little about the importance of PEG access channels as communities' resources. There are over 3,000 PEG access centers across the country today representing 3,000 channels, 250,000 organizations and 1.2 million volunteers.

According to a survey of the National Association of Telecommunications Officers and Advisors, 73 percent of communities with PEG capacity receive financial support from the cable operator under terms of the local franchise over and above the franchise fee. Whether it is in the form of an annual fee, a one-time grant, or use of a building or equipment, or a per subscriber fee, such resources are used to support the needs of local PEG communities in their production of local programming. These resources are used by schools for

distance education, by our locally elected officials to improve governmental services and enhance democratic discourse, and by our communities as the last source of free speech over the medium of television.

My congressional district in Wisconsin has one of the most diverse, enriching, and vibrant public access communities in the Nation. For over 30 years, Madison City Channel has helped connect Madison residents with their local government in much the same way C-SPAN allows our constituents to follow our actions here in Congress. Madison City Channel has provided that window into the workings of county and city governments, the levels of government that most directly impact the lives of our constituents on a daily basis.

In addition, the school district operates two channels that feature a variety of school board meetings and forums, as well as interviews with school board members and administrators and sporting events. The channel also features student music events, math and science fairs, and news programming.

PEG channels from the city of White-water in my district feature not just local election coverage, meetings of the city council and school board, but also programming produced by the local United Way, the Historical Society, and five local churches, among others.

Overall, the 80-plus PEG access channels in Wisconsin perform invaluable services on a daily basis commercial free, with the sole basis of informing and educating our citizens.

Diversity of programming and coverage are found in communities across the country. I want to note that in addition to coverage of government and educational affairs, different communities adopt various genres of programming to reflect their local interests. For example, religious programming represents 20 to 40 percent of programming in most public access centers, according to a survey of the National Association of Telecommunications Officers and Advisors. And "Army Newswatch" is the most-syndicated program on PEG channels, with carriage on over 300 PEG channels nationwide. I know that many Members of Congress host their own public access shows on PEG channels to reach out and connect with their constituents.

Preserving PEG funding is about preserving the local flavor and diversity of community voices. It is about transparency and accountability in our local government, and it is about strengthening the sense of shared neighborhoods and communities.

Mr. Speaker, the House can either choose to consider this rule in spite of COPE's unfunded mandate; or it can send this rule back to committee, make my amendment in order, and eliminate the unfunded mandate upon which this point of order is predicated.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the question before us is not whether we should eliminate any mandates, but whether we should consider this bill at all.

The one thing that is clear is that we need national video competition. Prices will fall and consumers will benefit.

The opponents of this legislation would have you believe that the current locality-by-locality method of video franchise helps consumers. The track record is just the opposite. Consumers benefit when there are low barriers to entry for competition.

The distinguished proponent of this point of order wants to keep those barriers in place. If you vote against this question, you are voting not to proceed with consideration of the rule and of the bill. That means you are voting to deprive the American consumer of video competition, lower prices, and new services.

Americans who are demanding this competition for these services. We need to move forward with this bill and with this rule so that we can debate the best ways to deliver what our constituents are asking for. I encourage my colleagues to oppose this maneuver and vote "yes" on the question of consideration.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, next week the President of the United States is expected to sign in the Oval Office or the Rose Garden a bill that increases fines for utterances of an obscene nature over the public airwaves. That is Chairman UPTON's bill, and I am a sponsor and strong supporter of it.

□ 1130

If C-SPAN were over the public airways and not cable, I would probably be the first victim fined, the first violator of that bill because of my reaction, not to the gentlewoman's point of order, which is within the rules of the House, but because of the underlying premise that the Congressional Budget Office has propounded that there is an unfunded mandate in this bill. The thing that I can say that is printable is that is hogwash.

Now, we went down to the dictionary that is always here in the House of Representatives and looked up the word "mandate." The number one definition, a command to act in a particular way on a public issue. That is the number one definition for mandate in that dictionary: a command to act in a particular way on a public issue.

Now, if the bill before us had told the cities that they had to provide cable service themselves to every citizen in their community and not compensated for it with Federal dollars, that would be a mandate.

If the bill had said that every Member of Congress in the House and the Senate had to be provided an office with a television studio by the cities, that would be a mandate; and it would be unfunded. It is not in this bill.

What is the Congressional Budget Office definition of an unfunded mandate? It is an Alice in Wonderland definition. It is a reverse definition. Here is what the bill actually does: it says every city that is currently collecting fees gets to continue to collect those fees, or it can negotiate a better deal if they want to. It says that every new entrant that wants to get the so-called national franchise, if they let the city know that they want to provide video services to that city, they have to pay that city up to 5 percent, plus an additional 1 percent for all of these PEG channels, public education and governmental channels, that the gentlewoman from Wisconsin was just talking about. It says these new entrants have to pay that.

There are studies out that says because of this provision that these new entrants are going to have to pay the cities additional revenue; that the cities, in total, may get up to 40 percent or more of additional revenues, more money not less money. That is not an unfunded mandate. That is what we in Texas call found money. Oh, here's another \$150,000 for next year, or two million or whatever it is.

The bill before us allows the cities to charge an additional 1 percent. I didn't want to do that. I was opposed to that. But Mr. UPTON and some of my friends on the Democratic side that were negotiating on the bill thought that was a fair thing to do. And so it is in the bill. If there is one thing that I am sure of, it is that there is no unfunded mandate in this bill.

Now, I will tell you how energized I am about this. I am going to go out and draft me a CBO reform bill and I am going to introduce it and I am going to get the committee of jurisdiction, which I think is the Budget Committee, to try to hold a hearing on it or move it or do something about it. I am tired of a CBO that looks like an Alice in Wonderland operation.

If there really were an unfunded mandate in this bill, I would oppose it. But there is not. And so I strongly, I respect the rights of the minority to use every parliamentary procedure they have, and the CBO did issue a report that does say there is an unfunded mandate. That is a true statement. But what the CBO calls an unfunded mandate is absolute hogwash.

So I oppose this point of order, and hope that we will sustain the underlying rule and move forward on the base bill and have an honest debate on the merits of the bill later this afternoon and tomorrow.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I would just like to say, just to correct the

record, I was not a big supporter of this 6 percent from the beginning. And I can point the finger at others. I was not the instigator of this. However, it is part of the bill. And, in fact, a study was put out that, according to the Phoenix Center for Advanced Legal and Economic Public Policy Studies, indicates that competition and the rise in the number of cable providers will cause total cable industry revenues to go up such that the 5 percent franchise fee, along with the 1 percent increase for the PEG channels, will see revenues increase by as much as 30 percent.

Now, I might note, where does that 30 percent come from? It comes from us, the consumers. It is passed along. So the cities are going to actually increase revenue. They are going to still maintain the control of the right-of-way, as they should.

I don't know where the CBO came up with this study. I know that I am told that they conferred with our staff. They obviously didn't listen very well.

I look forward to cosponsoring the legislation along with Chairman BARTON. I think that this does need to be addressed.

CBO, I think, in addition, made another major mistake on the transition to digital bill that the President signed into law earlier this year when they calculated that the sale of the spectrum, the analog spectrum, would bring in only \$10 billion when, in fact, we saw some private studies that it might be as much as \$20 billion.

So, again, Mr. Speaker, I would ask my colleagues to support the Rules Committee and deny this motion.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I am glad we had this opportunity. I think it is appropriate for the minority to use the rights available to it. It is part of the democratic process, very proud of that, zealously need to defend that.

At the same time, it is important for the facts to come out, and Chairman BARTON has explained how this bill provides the cities with an option to get another percent, to charge a fee of another percent that they can't charge under current law. That sounds to me like more funds than less. And yet it is called an unfunded mandate.

Mr. Speaker, I yield the remainder of our time to Chairman BARTON.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1½ minutes.

Mr. BARTON of Texas. Mr. Speaker, let me just recapitulate. Under current law, if you are a satellite provider, you don't have to pay any franchise fee, any at all. Now, if you are a landlocked cable provider, you do have to pay some of these fees. They can be up to 5 percent, and they can charge some in-kind contribution for these pay channels. That is current law.

Under the pending bill, if it were to become law, you get the existing franchise fees that are paid by the incumbent cable provider, plus the city can charge a 1 percent fee to the incumbent

plus these new entrants are going to be automatically assessed up to 5 percent plus an additional 1 percent unless the city makes a different deal. Okay?

Cities are going to have more money, more revenue sources. And the independent studies that have already come out say that, in most cases, city and local revenues are expected to grow as much as 30 percent. And I think they may be even higher than that.

Ladies and gentlemen, that is not an unfunded mandate. That is not an unfunded mandate. So I strongly oppose this point of order and hope that we sustain the base rule and move forward to debate the underlying bill.

PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts may state his inquiry.

Mr. MARKEY. Mr. Speaker, under the rules, is it the Congressional Budget Office that determines whether or not an item is an unfunded mandate or not?

The SPEAKER pro tempore. Section 424 of the Congressional Budget Act does provide for estimates by the Congressional Budget Office of unfunded mandates.

Mr. MARKEY. And in this instance, has the CBO not determined that there is an unfunded mandate that could be upwards of 500 million to 1.5 billion on cities and towns over the next 5 years?

The SPEAKER pro tempore. The issue of the estimate may be addressed in debate. The point of order was made against the resolution for waiving any point of order under the Congressional Budget Act, as provided by section 426 of such Act.

Mr. MARKEY. Mr. Speaker, is there anything left with the Contract With America? Is that an appropriate parliamentary inquiry?

The SPEAKER pro tempore. The gentleman is not stating a parliamentary inquiry.

All time having expired, pursuant to section 426(b)(3) of the Congressional Budget Act of 1974, the question is: Will the House now consider the resolution?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. BALDWIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 254, nays 166, not voting 12, as follows:

[Roll No. 235]

YEAS—254

Aderholt
Akin
Alexander

Bachus
Baker
Barrett (SC)

Barrow
Bartlett (MD)
Barton (TX)

Bass
Bean
Beauprez
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey

Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Marchant
McCauley (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes

Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Sánchez, Linda
T.
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Soderl
Souder
Stearns
Sullivan
Sweeney
Tancred
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—166

Abercrombie
Ackerman
Allen
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)

Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa

Costello
Cramer
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle

Emanuel	Lipinski	Ryan (OH)
Engel	Lofgren, Zoe	Sabo
Eshoo	Lowey	Salazar
Etheridge	Lynch	Sanchez, Loretta
Farr	Maloney	Sanders
Fattah	Markey	Schakowsky
Filner	Marshall	Schiff
Frank (MA)	Matheson	Schwartz (PA)
Gonzalez	Matsui	Scott (VA)
Gordon	McCarthy	Serrano
Green, Al	McCollum (MN)	Sherman
Grijalva	McDermott	Skelton
Gutierrez	McGovern	Slaughter
Harman	McKinney	Smith (WA)
Hastings (FL)	McNulty	Snyder
Herseth	Meehan	Solis
Hinchey	Meek (FL)	Spratt
Holden	Millender	Stark
Holt	McDonald	Strickland
Honda	Miller, George	Stupak
Hooley	Mollohan	Tauscher
Hoyer	Moore (KS)	Taylor (MS)
Israel	Moore (WI)	Thompson (CA)
Jackson (IL)	Moran (VA)	Thompson (MS)
Jackson-Lee	Nadler	Tierney
(TX)	Napolitano	Towns
Jefferson	Neal (MA)	Udall (CO)
Johnson, E. B.	Obey	Udall (NM)
Jones (OH)	Oliver	Van Hollen
Kanjorski	Ortiz	Velázquez
Kaptur	Owens	Visclosky
Kennedy (RI)	Pallone	Wasserman
Kildee	Pascarell	Schultz
Kilpatrick (MI)	Pastor	Waters
Kind	Payne	Watson
Kucinich	Pelosi	Watt
Langevin	Peterson (MN)	Waxman
Lantos	Pomeroy	Weiner
Larsen (WA)	Price (NC)	Wexler
Larson (CT)	Rahall	Woolsey
Lee	Rangel	Wu
Levin	Rothman	
Lewis (GA)	Roybal-Allard	

NOT VOTING—12

Andrews	Gibbons	Nussle
Bono	Hyde	Oberstar
Davis (FL)	Johnson (IL)	Reyes
Evans	Manzullo	Smith (TX)

□ 1206

Mr. SPRATT, Mr. WATT and Mrs. JONES of Ohio changed their vote from “yea” to “nay.”

Messrs. WYNN, BOYD, MELANCON, INSLEE, RUSH, RUPPERSBERGER and Mrs. KELLY changed their vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. ANDREWS. Mr. Speaker, I regret that I missed one vote on June 8, 2006. Had I been present I would have voted “no” on H. Res. 850 (Providing for consideration of the bill H.R. 5252, to promote the deployment of broadband networks and services).

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, this rule provides 1 hour of general debate, equally di-

vided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule also provides one motion to recommit, with or without instructions.

Mr. Speaker, for virtually every telecommunications service, consumers have a choice over which service they can obtain. They can comparison shop and get the deal they feel is best for their family based on service and on price.

The reason that consumers can choose the best telecommunications deal for their family is because most telecommunications services are part of a competitive business. However, unfortunately, this is not true for video services. The lack of competition for cable television service means poorer service, higher prices, and less innovation for new products and services.

Mr. Speaker, it is time we allow competition for video services. The Federal Communications Commission has found that less than 2 percent of markets have face-to-face cable television competition. In the other 98 percent of markets where there is no face-to-face competition, cable rates have increased approximately 85 percent since 1995.

When there is competition, cable rates drop. According to the General Accounting Office, cable competition leads to a 15 percent decrease in costs for consumers. Bringing competition to long distance and wireless services has brought lower costs for consumers. For example, since 1995, the cost for long distance telephone service has fallen approximately 50 percent. The cost of wireless minutes has fallen approximately 77 percent.

This act, the COPE Act, removes barriers to entry for new competitors in the video services market by establishing clear Federal standards to replace the outdated local franchise approval process. There are over 34,000 local franchise authorities. Negotiating just one local franchise can take years.

Now, imagine, Mr. Speaker, negotiating 34,000 such agreements. One company official testified that, for example, if AT&T signed a franchise agreement every day, it would take more than 7 years to complete its deployment plan. Signing all of these agreements is prohibitively expensive to companies interested in offering video service.

This system impedes entry by new competitors, and consumers end up paying the price. Even though companies will be able to get a national or a State franchise instead of negotiating with each of the local authorities, the local authorities will still retain many of their rights under the current system. The local franchise authorities, for example, will still have the right to manage their rights-of-way.

They will receive a franchise fee of up to 5 percent of gross revenues. In addition to the franchise fee, they can receive an additional 1 percent for public,

educational and governmental, so called PEG, channels and institutional networks.

This bill includes stringent anti-discrimination provisions. A cable operator will not be able to deny access to its cable service to any group of potential residential cable service subscribers in a franchise area because of the income of that group.

Any complaint filed by a local authority with the FCC must be completed in 60 days. If the FCC finds discriminatory practices against a group, the FCC must ensure that the cable operator extends access to that group within a reasonable period of time. The FCC may also order that the cable operator pay penalties of up to \$500,000 per day, per violation to the franchise authority.

In addition, Mr. Speaker, to improving cable competition, this legislation also provides the FCC with explicit authority to enforce its broadband policy statement. The statement has four principles that the FCC can enforce with regard to net neutrality.

Those are that consumers are entitled to, first, access to lawful Internet content of their choice; two, run applications and services of their choice subject to the needs of law enforcement; three, connect their choice of legal devices that do not harm the network; and, four, competition among network providers, application and service providers, and content providers. Consumers are entitled to that as well.

Mr. Speaker, this legislation was introduced by Chairman BARTON and reported out of the Energy and Commerce Committee by a bipartisan vote of 42-12. Most impressive. This is good legislation that will bring competition to cable television finally in this country and lower the price of video services to consumers.

I would like to thank Chairman BARTON and Chairman UPTON and Representative RUSH for their hard work and their leadership on this very important issue.

I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, our democratic system of government promises that the will of the people it serves will be heard. But it does more than that. It also promises that the right to debate will not be trampled underfoot by the might of simple majorities.

In so doing, it seeks to protect the needs of all of its citizens, rather than simply those of the biggest, the richest, and the most well-connected groups in our society. For all of these reasons, the rule and the bill that we

have before us today is onerous on two separate, but connected, levels.

It should not be a handful of people in the back room that decides what ideas this democracy is allowed to consider. And yet while eight Democrat amendments were made in order last night in the Rules Committee, almost 20 were not.

Among those silenced were crucial corrections to this legislation that would protect the needs of American consumers and citizens against the unchecked ambitions of some of our Nation's largest and most well-connected companies, companies I might add that were perfectly willing to hand over all of our records to the government.

Now, perhaps this makes sense, considering that what we have left is a bill that without amendment will radically undermine the technology that has been proven to embody the democratic ideals of our Nation in a way that few inventions ever have.

□ 1215

I am, of course, talking about the Internet. That is what my Democrat colleagues and I are talking about when we speak of an America that is for sale: Assaults on democracy here in the House that ripple out and hurt Americans everywhere.

Consider some of the amendments the bill turned down yesterday, the Rules Committee turned down yesterday. Representatives DOYLE and DINGELL gave us an amendment that would give local officials and mayors some power over where and how telecommunications companies could build their infrastructure in their towns and cities. This bill will take that power away from them. But the majority did not allow us to debate the amendment today.

Another amendment sought to require telecommunications companies to provide high speed Internet access not just to the well-off neighborhoods, but to all the neighborhoods in our cities and towns so that all our families would have access to the power and knowledge that comes with information and that amendment was rejected by the majority.

Another amendment would have taken an aggressive stance against red lining, the practice of denying service or offering inferior service to consumers because of their race, national origin, religion or gender. That amendment was turned away by the Republican majority.

Mr. Speaker, these were amendments written for the benefit of all Americans. They were designed not to unfairly impinge on the ability of telecommunication companies to do business, but rather to ensure the business done served the public good and the needs of all of us. But when we examine what was put into the bill before us, it makes sense that a handful of folks in the leadership decided for all of us that the amendments would be left out.

The Communications Opportunity, Promotion, and Enhancement Act of

2006 as it stands today will do much more to limit online opportunities than it will enhance the experiences of users or promote the Democratic digital flow of ideas. It is a bill written by and for a limited number of companies that are already wildly profitable. Also, they can make even more money and the American people will pay the price.

It is indeed true that corporations like Verizon and AT&T have invested a great deal in the high technology and infrastructure empowering our Nation's economy, but they are being compensated richly for their efforts by ordinary consumers who pay to access their systems. Verizon, for example, is one of the largest corporations in America with annual revenues in excess of \$75 billion a year.

Because the information superhighway these companies help build has remained open to all and free of arbitrary tolls, it has been home to an unlimited profusion of new and novel companies. It is the basis of the greatest exchange of ideas, opinions and information in human history. It has become instrumental to our global economy and to our international political system, and it has allowed a free market to truly flourish.

Today anyone with an idea or business concept can share it with literally billions of others. Open telecommunication systems have broken down walls and made old barriers obsolete. But my colleagues and I are not exaggerating when we say that all of that is threatened by this bill. It permits major telecom corporations to serve those who can pay them the most better than those who cannot pay. The Internet has traditionally been a true marketplace for ideas and commerce with small and large vendors competing on equal footing, a true community bazaar for the 21st century.

This bill, if not amended, will bulldoze the dynamic Main Street style marketplace that is our Internet today and will replace it with a one-size fits all Wal-Mart superdome. We have all seen the effects that type of development has had on local communities all over America. Why on earth would we help the Republicans do the same thing to the Internet as well? Why should Americans accept the destruction of the very concept that makes the Internet what it is today?

The truth is under this law, independent online media outlets and small Internet businesses will not be able to compete anymore. And Internet users will eventually have no choice but to use the services of an ever-dwindling number of online organizations. Innovation of all kinds will be stifled and the ultimate leveler of the playing field will have been forever tilted in favor of the already rich and already powerful. And all of this will have been done simply so the wealthy can make more money.

The solution to this unacceptable outcome, Mr. Speaker, is known as net

neutrality; and my colleagues, Mr. MARKEY, Mr. BOUCHER, Ms. ESHOO and Mr. INSLEE have offered an amendment to enshrine that concept in this legislation.

I should say, Mr. Speaker, that while the rule we are debating here today will fortunately allow us to debate the amendment, it does not make in order another fine net neutrality proposal that Chairman SENSENBRENNER and Ranking Member CONYERS developed in the Judiciary Committee.

Net neutrality is being portrayed by some as an attempt at excessive regulation, but the opposite is the truth. But what we are doing here today will have long lasting repercussions, Mr. Speaker. I pray we do it right.

Net neutrality proposals like the one proposed in the MARKEY, BOUCHER, ESHOO, and INSLEE amendment are the only way for us to keep the Internet open for all.

These reforms we are proposing won't prevent telecommunications companies from building their networks and earning tremendous profits . . . They just won't provide giant companies with a government sanctioned stranglehold on the Internet marketplace.

What they will do instead is ensure that networks will be worth building—that the infinitely diverse universe of information, ideas, and entertainment that currently flows into homes around the world will be protected and perpetuated.

Ultimately, this issue is about the freedom of the marketplace, and understanding the value of competition.

The Republican leadership, who talk so much about benefits of competition and the value of free-markets have abandoned these core principles on this bill, in order to carry water for the biggest and richest telecommunications companies in the world.

And when my friends on the other side of the aisle rejected important amendments to this bill designed to defend ordinary consumers and citizens against some of the largest companies around, they were rigging the game to ensure their own victory.

In the process, I worry that this House leadership is headed toward selling out the needs of tens of millions of Americans yet again.

But they have a chance to change my mind here today, and the minds of millions and millions of Americans who want an Internet not controlled by a handful of mega-corporations.

They have a chance to stand up for the marketplace of ideas that the Internet has become . . . to embrace true competition instead of trampling it under the foot of big business.

They have a chance to ensure that the Internet will truly belong to all Americans and that anyone who chooses may have a voice online. And that that voice won't be filtered by a few privileged super companies who have greased the skids in Congress.

America deserves better than this, Mr. Speaker.

And I know that quietly many of my Republican colleagues out there today agree with me on this issue.

I just hope they are brave enough to stand with us.

I urge everyone in this House to vote "yes" on the Markey, Boucher, Eshoo, and Inslee amendment.

Without it, this legislation is little more than an unjustifiable attack on a technology with the rarest of potentials—to better the lives of everyone it touches.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have fashioned a very fair rule, very fair. Mr. MARKEY's amendment, he has worked long and hard on it, was in order on net neutrality, a very important issue. We look forward to considering it. My distinguished friend, the Chairman of the Judiciary Committee, his problem was that amendment was not germane.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I would say to Ms. SLAUGHTER that as Mr. DIAZ-BALART has mentioned, the bill in question passed 42 to 12 in committee. Only rarely do you see a bill pass with only 20 percent in opposition to the bill. And during this extensive markup, there were plenty of amendments that were offered, many of them were defeated. And a lot of these amendments, particularly the Markey amendment, are going to be offered today. So the main concern that you have is a vote on net neutrality, and we are going to have that today. So I really think what you are complaining about is not of concern to members in general.

The current requirement for new entrants into competitive cable service as has been pointed out are overly burdensome and serve as a barrier to entry. Because of the tireless work of Chairman BARTON and also Mr. UPTON, we have this bill before us, the Communication Opportunity, Promotion, and Enhancement Act, or we call COPE. So the requirement to negotiate local franchise fees as well as obligations of local franchising authorities, what they impose are delaying such entry and blocking the consumer benefits that such entry would provide.

More competition would lead to lower prices, better service and greater innovation, and all of these benefits are positive for our constituents. The COPE Act creates a national framework for the regulation of cable services while striking the proper balance by preserving local government enforcement of local rights of way regulation and national consumer protection rules are in the bill.

The bill also preserves local franchise fees and provides additional financial support for and carriage of educational, public and governmental programming. It is all there. In addition, the COPE Act also includes stricter net neutrality enforcement provisions. These folks against the bill will say there is nothing in the bill for compliance of net neutrality but they are wrong. In the bill it establishes penalties of up to

half a million dollars for broadband providers that block lawful content. Mr. Speaker, the FCC would have explicit power to go after companies that violate the network neutrality issues for the first time in this bill.

The FCC now has the ability to enforce their broadband policy statements and the principles included therein. Under this Act, the FCC can act swiftly to punish those who simply violate these principles.

So free and open Internet is crucial to formulating an effective policy. We must not lose sight of the fact that if the network providers really do act badly in the future, Congress can and I hope will, step in and legislate through tough rules. But for now the strict, strong enforcement provisions that are in this bill are a tough deterrent to anyone who would act to change the free and open nature of the Internet.

I urge support of the rule. I urge support of the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me time and her leadership on this important issue about openness and freedom on the Internet.

Mr. Speaker, last year, House Democrats met with leaders around the country to create our innovation agenda, a commitment to competitiveness to keep America number one. One young technology leader told us, If you think you have seen it all on the Internet and broadband, you ain't seen nothing yet.

The objective of this legislation, to create more competition in the broadband marketplace, is a laudable one. But a key goal of the telecommunications policy must be that everyone in America, from the most rural areas to the most urban, is never more than a key stroke or a mouse click away from the jobs and opportunity that broadband can create and support. Bridging the digital divide with inclusiveness must be a central value of our broadband efforts, yet today absent from this bill is that spirit of inclusiveness.

Why are we not able to debate amendments that ensure that access is built out to the entire community and not limited by race or religion? Why are we not able to debate amendments to protect our local governments and enforce our local laws?

In fact, on the previous vote on consideration of the resolution that Ms. BALDWIN put forward on unfunded mandates, it was reported by the CBO that this bill could cost local governments about \$350 million in unfunded mandates.

It is interesting to me that the Republicans who have had not having unfunded mandates as a principle of their Contract with America, 100 percent of the Republicans voted for an unfunded mandate for localities in our country to the tune of hundreds of millions of

dollars. Not one Republican supported the principle of no unfunded mandates. What are the Republicans afraid of?

Because the debate has been limited and Americans' voices silenced by this restrictive rule, I urge my colleagues to vote against the rule.

One issue that we do have a chance to vote on today is the Markey amendment on net neutrality. Mr. MARKEY has offered an amendment that will continue the innovative tradition of the Internet by enacting net neutrality protections that ensure all consumers are able to access any content they wish with the same broadband speed and performance. The imposition of additional fees for Internet content providers would unduly burden Web-based small businesses and start-ups. They would hamper communications by non-commercial users, those using religious speech, promoting civic involvement and exercising first amendment freedoms.

That is why organizations across the political spectrum support net neutrality, from the Gun Owners of America to Common Cause, from the Christian Coalition to the Service Employees International Union. America's most innovative companies like Google and eBay and YouTube and Yahoo also favor the Markey amendment.

Without Net neutrality, the current experience that the Internet users enjoy today is in jeopardy. Without the Markey amendment, telecommunications and cable companies will be able to create toll lanes on the information superhighways. This strikes at the heart of the freedom and quality of the Internet.

Today we can vote to retain the openness and innovation of the Internet. I urge my colleagues to vote in favor of the future, in favor of the Markey amendment, and against the restrictiveness of this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I rise today to support this rule and to support the bill, H.R. 5252, the COPE Act as we have called it. And I want to take a moment and thank Chairman BARTON and Chairman UPTON for their excellent work on this bill. I also want to thank Congressman WYNN who has worked with me on video choice and franchising and on these issues. It has been a bipartisan bill and it has been a 1-year debate, and I thank him for his leadership and his participation on this issue.

□ 1230

I think it is important to note that this bill came out of committee on a strong bipartisan vote, 42-12, and there is a reason that that happened. The reason for that is our constituents know that when we pass this bill that they are going to see greater access to broadband. They are going to have that coming into their communities, and

they are going to have greater access. This is good for them, it is good for their communities, and it is good for economic development in those areas.

Our constituents believe that they have the right, that they should have the opportunity, that they should have the access to something more than one single cable provider, one set of rabbit ears or a satellite; and I agree with them. Government regulation has created the artificial marketplace that exists today, and it is a market that does mean higher prices for our consumers.

There is another point that has been mentioned a couple of times. Some of these so-called D.C.-based groups that lobby for our cities I think have had a little bit of a problem understanding the bill or reading the bill. So I would like to clarify a couple of things there.

New entrants into the video service market would be responsible for the same franchise fees that the incumbent operators pay, and our cities would be receiving those same fees from the new entrants, as well as those incumbent companies. Many times, if you have got an incumbent company, you add one to it that gives you two companies. So you know there is some opportunity there.

New entrants would also provide the same government and education channels. We call those PEG channels. They are going to be included. Cities also maintain control over their rights-of-way.

Now, we know that competition works. We have seen it work in Keller, Texas, and Herndon, Virginia, and in other areas where we have brought in new entrants into the video service market. We know that speeds up broadband. We are 16th worldwide in broadband deployment. So let us speed that up.

Another thing on net neutrality. That is a nice fuzzy sounding name, but if we were to see the amendment being offered today, we would have a net not so neutral and have a Secretary of Internet Access that would be overseeing how we approach that issue. So I would encourage a "no" vote on that amendment.

Mr. Speaker, I thank you for the time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), the ranking member on the committee.

Mr. DINGELL. Mr. Speaker, I thank the distinguished gentlewoman from New York. This is a bad rule. It gags the House. It does not give enough time. It denies opportunity for Members to offer worthwhile and important amendments. It is going to lead to enactment of bad legislation. I would be ashamed to support or present a rule of this character.

This body is supposed to debate matters. We are supposed to be able to offer amendments. We are supposed to be able to represent our constituents, and we are supposed to be able to see to it that the public interest is broadly

served by the legislation we pass after fair consideration. None of that is present, and I say to this body on this rule, shame. Reject the rule.

I support consumers having choices for video and broadband. This bill will do more harm than good, and our constituents and communities deserve to know the truth about it, but they also deserve to have a fair bill.

Democrats on the committee offered real solutions to prevent harm to consumers. We came close to a deal. At one point, we had a handshake deal which would have served everybody, but the telephone companies got on the leadership here, and you know what has happened. We are not able to even consider an amendment which will take care of the cities.

This is going to affront the cities. It is going to leave many consumers of these kinds of services with less service, worse service, higher cost and inability to participate fully in the business of moving information and information technology at all.

First, the bill would leave consumers paying higher cable prices for worse service. Some may even lose their only provider of cable service altogether. This is a bill which is supported not by consumers, but by the special interests and by those who will be the beneficiaries of a national system of charter.

Second, the legislation does nothing to stop cable operators and incoming cable operators from offering inferior service to groups of people based on race, color, religion, national origin, or sex. Representatives SOLIS, BALDWIN, WAXMAN, WATSON and WU sought to prevent this by offering a strong anti-discrimination amendment. This amendment has been blocked. Why?

The bill removes the authority of the cities and townships to manage their own property, and it is going to clog the FCC with business which they will simply disregard because it will be inconvenient. Cities will be hurt, our constituents will be hurt, and the constituents of the cities will be hurt. Representative DOYLE and I offered amendments to keep the locals in charge, with courts hearing appeals rather than a Federal bureaucracy. Unfortunately, the Republican majority has again blocked that amendment.

These three issues deserved open debate, they are important, as did others offered by Democratic colleagues, or amendments that might wish to be offered by Members on the floor. This is a complex, technically difficult piece of legislation. It is one in which the future of this country is going to be very much affected, and it is a piece of legislation which is going to relate to how people are treated fairly.

None of that is permitted by the rule. The legislation is a bad bill. We could have made it a good bill had my Republican colleagues been cooperative and had the special interests not gotten on them.

If you look at this legislation and how it is going to work, you will find

that this legislation is going to benefit the special interests, particularly the cable and the telephone industry. You will find that it will do nothing for the ordinary citizens. It is a shameful bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We are very proud of this bill. We were very proud of the rule that brings it forth. Three times as many Democrat or bipartisan amendments have been made in order by the rule that we bring this legislation to the floor with than Republican amendments, three times.

In addition, the cities were heard repeatedly. I have a list here, Mr. Speaker, of concern after concern after concern of the cities that were dealt with by the legislation, are dealt with by the legislation. It is good legislation for the consumers.

Finally, there is going to be competition in this country for cable television, something the consumers have been demanding for many, many years.

Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), my distinguished friend and colleague.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding, and I want to just comment on a couple of things.

First of all, I rise in support of this rule. Now, there are people on both sides who may say that this rule is not perfect and the bill is not perfect, and they probably would be correct; but I think considering what we can get done this year, this is a very good rule, and this is a very good bill.

I want to call particular attention to an amendment that was made in order that will be offered by me, Mr. STUPAK, Mr. PETERSON, and a group from the Congressional Rural Caucus. It deals with the issue that many Members of Congress, and I suspect many of our constituents, do not completely understand. It is a new technology called voice over Internet protocol. Why is that important? Well, it is a technology that is growing by leaps and bounds, and it has to ride on the telecommunications system, the interstate highway, if you will; and the interstate system is only as good as its weakest link. Everyone wants to serve the suburbs and most companies want to serve the cities, but when you get out into the distant parts of rural America, it becomes more and more difficult to serve those areas.

One of the ways that we have tried to level that playing field is with what is called a universal service fund, and the base bill says nothing about the universal service fund and the obligation that providers of voice over Internet protocol have to participate in the universal service fund.

So the amendment that we are going to be offering, and I hope Members will consider supporting the amendment, will simply say that nothing in this act shall be construed to exempt the VoIP

service provider from requirements imposed by the Federal Communications Commission or a State commission on all VoIP service providers, among others, to participate in the universal service fund.

This is a very important amendment. In many respects, it is innocuous but it is important, especially in rural America; but if you think about it, it is important for everyone because the chain is only as strong as its weakest link.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman.

In a post-GATT, post-NAFTA global world, global economy, you need an ongoing plan as to who is going to gain access to telecommunications technology, Information Age technology.

Well, the Republicans have constructed a defeatist policy. Knowing that 50 percent of the children in America will be minorities by the year 2020 in our country, they have refused Congresswoman SOLIS, Congresswoman WATSON, representing the Hispanic and the Black Caucus, to come out here to make an amendment that would require the telephone companies to build out on the poor side of town, because we know they are going to the wealthy side of town, and they want this decision to be made at the Federal Government level.

Every mayor in the past has made this decision because they negotiate the contract with the cable company, but the Republicans say we are not even going to have a debate on that issue on the House floor.

On net neutrality, 20 minutes, 10 minutes for either side. Net neutrality, an issue which is going to fundamentally change the nature of the Internet forever. On the naming of post offices, the Republicans give 40 minutes of debate. On changing the Internet for the rest of eternity, 20 minutes, evenly divided.

It is so disrespectful of the importance of these issues that it almost defies description, but it is a reflection of the telephone company agenda, and the Republicans have decided to take that agenda 100 percent.

Now, what did the telephone companies have to do with inventing the Internet? Nothing. The browser? Nothing. The World Wide Web? Nothing. What have they had to do with the Internet from the beginning of time? Nothing.

But what the Republican Party has done is side in this bill, in a gag rule that does not allow us to debate the important issues, with the telephone company against every entrepreneurial company in America, the future Sergey Brins, the future Marc Andreessen of Netscape and Google. They are going to have to pay a broadband tax to the telephone company to gain access. It will be their highway. That is what they say.

Well, that runs fundamentally contrary to the agenda which we need to

have for the future of America as the entrepreneurial telecommunications Information Age giant in a modern world. This is our strength, and it also completely ignores the role that these 50 percent of minority children are going to have in terms of access to it.

No requirement to build out into the poor parts of town. Now, what kind of plan is that for America? It is a defeatist attitude, and the Republicans have just basically put in this bill the tech agenda for America in a rearview mirror. It is a sad commentary.

Now, Congresswoman SOLIS wants to have an amendment out here so we would debate red-lining to make sure the telephone companies just do not go to the good parts of town. They are going to my part of town. They are going to anybody's part of town that has money in their pocket over \$100,000 a year. Sure, that is great. Members of Congress, they are going to be fine. But what about the people in the neighborhoods that people drive around? Are they going to get access to it? Not under their bill, and by the way, not a debate to be had on the House floor.

It is so disrespectful. It is so defeatist. It is so lacking in vision as to what our country needs for entrepreneurs and for minority children, and I beg the Members to vote "no" on this rule, to open it up. Forty minutes on the naming of a post office, 20 minutes on the future of the Internet. Vote "no" on this Republican rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

That, Mr. Speaker, after having made his amendment in order. Mr. Speaker, there were a number of misstatements that were just made; and first of all, I want to reiterate that this is an extremely fair rule that we have brought forth the underlying legislation with. There are three times as many Democrat or bipartisan amendments as Republican amendments, including the amendment of the gentleman that just spoke.

□ 1245

What I am going to do now is yield 4 minutes to one of the prime authors of this legislation to hopefully clarify a number of the misstatements, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise not only as a Member, but also as the Chairman of the Telecommunications and Internet Subcommittee, and I first want to thank Chairman DREIER and Mr. DIAZ-BALART for their work in crafting what I think is a fair rule in the debate we have today and perhaps tomorrow.

From the start, this has been, I think, a very fair and open process. And I must note that the Barton-Rush-Upton-Pickering bill, H.R. 5252, has been fair and open from the very start. In fact, I would note that when you look at the number of cosponsors, and this bill was filed after we completed the markup in full committee, H.R.

5252, and after we completed the markup, not beforehand but after, 15 Democrats from the Energy and Commerce Committee cosponsored the legislation. That perhaps is one of the reasons why it passed in subcommittee 27-4, overwhelming; and 42-12 before the full committee.

The process has been open. We have had lots of hearings, lots of discussions. We have had lots of viewpoints, lots of panels. We have heard from just about anyone with any interest at all in this legislation as it has moved through this process. We looked at a number of staff drafts, many of them with Member input. Some Members might want to decline to have Members' input, but in any case we had lots of debate and lots of issues that we looked at, starts and stops, and at the end of the day I think that the process, most Members would say, was very fair.

What was the intent of what we were trying to do? It is called deregulatory parity; that is that we are going to treat all of the providers of these services equally, whether they be a cable provider, whether it be telephone or voice provider, or whether they have broadband or high speed Internet access. All of those can provide these services. All of us consumers want those services in our homes and in our businesses, and yet under existing law it is not parity. It really is weighted towards one side and against the others. So the bottom line was we wanted it to be fair, and I think we achieved that result with this legislation.

What does it mean for the consumers? Well, for the consumers that have these services, it is probably going to mean about a \$30 to \$40 reduction per month. That comes out to about \$400 per year that they will save with the enactment of this legislation.

Now, I hear a lot about the cities. We wanted to protect the cities. Let me tell you that the rights-of-way are protected. They are going to be able to govern whether the streets are torn up or where the wires are going to be strung. All of that the cities retain those rights. Look at the language in the bill. It is there.

The revenue stream, very important as well to the cities. Remember, that is us consumers that pay. Some would call it a hidden tax, but it is there. The revenue stream is protected. In fact, there are some studies that came out, we debated this a little earlier, perhaps a 30 percent increase to the cities revenues because you have got more providers coming into town and you are going to have more people that perhaps just have over-the-air and don't pay into that at all who are going to want these new services and it is going to be very beneficial. And we have the same standard, the same standard for accumulating those revenues that there is today.

So the bottom line is this: This was a bipartisan bill. We worked hard to see

it that way, and the proof is in the pudding. That is why a 27-4 vote in subcommittee, overwhelming, and then a 42-12 vote in the full committee brings this bill to the House floor.

Now, earlier this morning, I had a chance to talk to Chairman STEVENS on the other side of the Capitol. They are looking forward to moving legislation. I hope it is fairly close to ours. A markup yet this month and on the floor as early as next month, so that we can get a bill to conference, work together, and get this bill to the President.

I am proud to say that the Barton-Rush-Upton-Pickering bill is gaining a lot of steam, a lot of momentum. This rule vote is very important. I would urge all my colleagues to support the rule, a fair rule. Let us get it done to get the consumers some money in their pockets.

Ms. SLAUGHTER. We appreciate your getting to us, Mr. Speaker, and I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the distinguished ranking member of the Rules Committee.

My colleagues, this debate today and this rule on the bill is a debate about the past or a pathway to the future. This bill, I can't believe it, that in the 21st century we are going to divide up the country on access to the haves and the have-nots.

All we have to do is to look at the history of cable, of the cable industry in our country. They invested billions and billions of dollars to build out everywhere, and the American people won, as did the cable industry. And I applaud that. So what does this bill do? It says, under the new rules, you build out, but you don't have to build out everywhere. You don't have to build out everywhere. We know what will happen as a result of that.

And you know what is in the bill? If you live in a neighborhood where you are not going to have access to this, guess what you can do, Mr. and Mrs. America? You, on your own, can go to the FCC. Is that a joke or what? Although, it is more than a joke, it is an insult, and it is not the way to go.

Ever since I have come to the Congress, I have worked to expand and protect the Internet. So where are we going with this bill? The big telcos are coming in and saying, we have a better idea. On the information superhighway, we are going to have a toll road and we are going to charge and charge mightily on that.

Well, you know what, Members of Congress? We all have cable in our districts. We all have telephone companies in our districts. But you know what, there are tens of millions of Internet users. So what this bill represents, unfortunately, is the reverse gear.

That is not what America is about. America is the best idea that was ever born, and the Internet has been the imprimatur for hands off, for democra-

tizing information; that everyone gets to use it, small businesses, entrepreneurs, individuals, families, teachers, schools, whomever you are, wherever you are, whatever color you are, and regardless of how much money you have. This bill will damage that.

I urge my colleagues to defeat this rule. This bill should not see daylight. We can do better than this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, there are strong antidiscrimination provisions in this legislation. And a prime author of this legislation, who has worked very diligently, precisely on this issue, as well as others, and the gentleman who I had the privilege of coming to Congress with, a classmate, Mr. RUSH of Illinois. I yield him 4 minutes.

Mr. RUSH. I want to thank the gentleman for yielding. Mr. Speaker, I am in kind of a difficult situation here. I am a minority, I am a Democrat, I was raised in the civil rights movement, I live next door to a public housing residence in the City of Chicago, and I am a supporter of this rule.

Why am I a supporter of this rule? I am a supporter of this rule because my constituents want to get much-needed relief from the escalating and high cost of cable television. I am amused and I am bemused by the comments of some of my colleagues from the party that I am a member of because they are talking about build out. They are talking about video services in my community, the community that I represent, that I haven't left, that I have been a part of.

Well, let me tell you about that community. That community has the highest viewership of cable television than any other demographic group in America. We pay more for video services, for high premium packages than any other group in America. And why is that? Because only on cable do we see people who look like us, speak like us, and who understand us. That is why we pay more for cable.

Let me just tell you, Mr. Speaker, we don't need build out, we need build up in my community; build up by allowing minority entrepreneurs to get access to the telecommunication industry. And that is what this bill would do, and that is what this rule will provide for. We need build up and not build out. This legislation represents a huge step in lowering prices and creating more choices for cable services, not only to my hard-pressed constituents, but to the entire Nation.

Mr. Speaker, this is a good bill. This is a good rule. Of course, there were amendments in the committee that were voted down. I voted against a lot of them, because the intention of those amendments was to gut the bill. And I cannot go back to my community, because I came here to represent my community. I came here to represent my community, no philosophy, no party, my community, and that is what I am going to do. I am going to represent my community, and my community wants this bill. They want lower

cable prices, they want more access, and they want more diversity and content on the video platform. That is what this bill does.

I urge my colleagues, those who can think for the little people in America, not the elite, but for the little people in America, I urge you to vote for this rule.

Mr. Speaker, I rise in support of the rule for H.R. 5252, the Communications, Opportunity, Promotion, and Enhancement Act of 2006, a bill that I jointly and proudly sponsored with my Colleague Congressman BARTON. This legislation represents a huge step in bringing lower prices and more choices for cable services, not only to my hard pressed constituents, but to the entire Nation. Specifically, this bill would provide equitable competition amongst a variety of video service providers. Video service providers can compete in price, quality and quantity, and consumers can finally decide which service provider they prefer. Specifically, this bill would create a nationwide approval process for pay-TV services. By streamlining the archaic franchise system, companies will be able to offer new TV services in many areas while protecting local interests. It would prohibit discrimination on the basis of income and give the FCC the power to impose stiff fines up to 500,000 a day or revoke a provider's franchise area if there is willful or repeated violation of discrimination. The bill also preserves net neutrality by allowing the FCC explicit power to go after companies that violate network neutrality principles and lastly and more importantly H.R. 5252 creates new jobs when video entrants make new investments in advance network.

Mr. Speaker, I believe this is a fair rule it allows for meaningful amendments by my Democratic colleagues. I respectfully urge my colleagues to support this rule and the underlying legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I thank the gentlewoman for allowing me this time.

Mr. Speaker, I rise in strong opposition to the rule. While H.R. 5252, the COPE Act, which I think is a cop-out act, contains a provision that purports to prevent red lining, it is weak and it will prove to be ineffective. It does not fully ensure that all communities, communities of color, regardless of race, income, or national origin will have the benefits of enhanced cable competition.

Last night, in Rules Committee, I offered two amendments, with several of my colleagues, including Ranking Member DINGELL and Congressman MARKEY, which would have strengthened the weak antidiscrimination provisions in this bill. These amendments would establish incremental market-based service requirements for cable providers so that they build out their cable services to their entire franchise area, not skipping over poor communities like mine in east Los Angeles and in the San Gabriel Valley.

We are tired of what goes on, the red lining. The proposed build out that they talk about that is going to be provided in this bill is false. It is not

there. In fact, the Bells did not want to see any language put in to that effect.

So I have to be very straight on this. In my community, yes, we want diversity, yes, we want to see more minority ownership, yes, we want to see more faces portrayed like mine in different aspects of the whole industry, but it is not going to happen overnight, and it is not going to happen with this bill.

In fact, the amendments we provided were strongly supported by over 30 consumer and civil rights advocacy organizations, including the Leadership Conference on Civil Rights, the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and the Consumers Union. Despite this strong support, neither of these amendments were accepted by the Rules Committee that I proposed.

The Rules Committee also didn't accept the Doyle-Dingell cities amendment to protect and preserve the ability of our communities to oversee the enforcements of cable franchises. We are going to lose money, folks.

The rule reported by the committee fails to address the serious concerns raised by so many. I urge my colleagues to oppose the rule.

□ 1300

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the Rules Committee made in order three times as many Democrat or bipartisan amendments as Republican amendments. This is an extremely fair rule.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. GILLMOR).

Mr. GILLMOR. Mr. Speaker, I thank the gentleman for yielding me this time, and I commend Chairman BARTON and Chairman Upton for the hard work they did on this bill.

This bill is pro-consumer and -business legislation. It represents a giant leap forward in our efforts to reform the Nation's telecommunications laws. Bringing our laws up to date with current technologies will remove many of the current bureaucratic barriers that prevent consumers from having access to the latest television and broadband technologies.

Furthermore, this bill will have a significant impact on rural areas such as mine by making more services available. This legislation represents months of hard work, and for consumers it means two things: it means more choices and lower prices, pure and simple.

Capitalizing on this opportunity now will ensure that Americans enter the Digital Age as soon as possible.

Much has been said about net neutrality, and there is a Markey amendment in order which is called "net neutrality." That is a catchy phrase, but it is not descriptive. What it is is government regulation of the Internet. Now you can call a pig a chicken, but it doesn't make it a chicken. It is still a pig. You can call an amendment "net neutrality" when it is government regulation, and it is still government reg-

ulation. That is an amendment that is a solution in search of a problem. I would urge Members to vote against that amendment, to vote for this rule, and vote for the bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I rise in strong opposition to the rule for H.R. 5252, the COPE Act. "COPE" is the perfect name for this act because we will be coping for the results of this act for decades to come.

My constituents have been coping with high cable prices for years now, and because this rule omits several key amendments, many may be forced to cope with these high bills, inferior service, or lack of access for a long time.

My colleagues and I offered amendments we think will truly strengthen the bill. We offered an amendment that would prevent telecom companies from picking and choosing the parts of communities they wish to service. It would have required gradual market-based build-out to all areas so all constituents will eventually be served in exchange for access to public rights-of-way. Unfortunately, because this amendment was blocked, oversight would be left to Washington, D.C.

The FCC's oversight of local rights-of-way does in no way serve our cities, nor our constituents. They deserve a local court of appeal that knows the community and therefore can make sound judgments that benefit all of our constituents.

Our other amendment strengthens the antidiscrimination language necessary to ensure that people of all races, colors, religions, national origins, or sex have a court of law to turn to in the event they receive inferior access or no access to important telecom services.

This necessary safeguard protects all people, particularly those who have historically been denied access to services others take for granted. Because this amendment was blocked, telecom companies can redline entire neighborhoods, leaving minorities and others behind.

I urge my colleagues to vote against this rule. It does not offer an alternative to a weak telecommunications bill that only protects fair services for a few and not all.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, we are very proud of the rule and we are very proud of the underlying legislation, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3½ minutes to the gentleman from New York (Mr. HINCHEY).

(Mr. HINCHEY asked and was given permission to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, I thank the gentlewoman from New York, my friend and colleague, for giving me this time to discuss this rule and the bill that it controls.

I hope that the majority of the people in this House will vote against this rule. This House of Representatives is supposed to provide the American people with a free, open and fair discussion of the most critical issues that affect them and this democratic Republic.

This rule does just the opposite. This rule closes down the debate on one of the most important issues before the American public and before this Congress, and that is the free and open, fair dissemination and discussion of information.

What this legislation does is it curtails the free, open and fair discussion of information, even more so than we have currently, and the situation that we have currently is bad enough. A large part of that badness comes out of the 1996 Telecommunications Act, which the Republican Party pushed through this House of Representatives back then.

Remarkably, there were 16 of us who voted against that bill. A lot more wish they had voted against it today, and those people who vote for this rule and vote for this bill, at some point in the future they will regret having done so because what this rule does is close down debate on a bill which closes down discussion of important issues before the American public.

Let me just give you a quote from the Supreme Court. Almost 60 years ago the Supreme Court declared: "The widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public. A free press is a condition of a free society."

What do we have today? Today we have five companies that own the broadcast networks. They own 90 percent of the top 50 cable networks. They produce three-quarters of all prime-time programming, and they control 70 percent of the prime-time television market.

These same companies that own the Nation's most popular newspapers and networks also own 85 percent of the top 20 Internet news sites, and you are going to close down the Internet even more with this legislation.

One-third of America's independent TV stations have vanished. There has been a 34 percent decline in the number of radio station owners since the 1996 Telecommunications Act passed.

I want to say this to my dear friend from Chicago for whom I have the greatest affection and affiliation: there has also been a severe decline in the number of minority-owned broadcast stations since the end of the 1990s. Minorities now own little more than 1.5 percent of U.S. television stations, and they own 4 percent of the Nation's AM and FM radio stations.

This bill now closes down the process even more. It closes down the last free, open element of communication not controlled by big corporations in America. It closes down the Internet. It is going to make the Internet less available to Americans. It is going to

make communication through the Internet less available to Americans. And it is going to further stifle debate on the most important issues confronting our country just in the same way that this Republican rule stifles debate on this very important piece of legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are again very proud of the rule that we have brought this legislation forth under. A colleague on my side of the aisle asked me why is it you are making three times as many Democrat or bipartisan amendments in order as Republican amendments, and my reply was we want to be as fair as possible. That is what we are doing today.

We are very proud of the process and the rule. We are very proud of the underlying legislation. It is extremely pro-consumer and is going to bring relief to consumers, to our constituents throughout the country.

It is finally going to bring competition to the cable television process in this country. So it is very important legislation. It has been made possible by hard work and study and perseverance by numerous Members.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to today's rule for the COPE Act which blocked many important amendments, including an amendment that was of great concern to the people all of us represent in this body. Each of us comes from cities or towns, many of us were elected to this body from county councils. Some of us were mayors. I have gotten a lot of calls from the cities I represent, and I know my friends on both sides of the aisle have too, but the leadership stands in the way of debating the amendment that answers their calls.

This rule hangs up on cities and towns. This rule should be voted down. With the Doyle-Dingell cities amendment ruled out of order, leadership has told our cities, told our towns, told our mayors, told our councilmen that leadership does not care about their concerns. Even though TV revenues are a large part of municipal budgets, even though their citizens rely on public, educational, and government channels for information, even though local governments have a lot to say, the leadership has told local governments they are shut out of this debate. This rule should be voted down.

There has been little debate about the COPE Act and what it does to rights-of-way. Proponents say it protects city streets. In reality, it only goes halfway. It allows cities to manage their rights-of-way which include streets, sidewalks and other public

property; but that is exactly what America's cities and towns do today. But the COPE Act sends any dispute about those rights-of-way to the FCC. That is such a fundamental change. The COPE Act is so far from how it works today, and our body needs to debate it. This rule should be voted down.

If a city like Pittsburgh has an ordinance that prohibits blocking rush-hour traffic on a major road, who is best to determine whether that ordinance is legal under the COPE Act? Is it somebody from the Pittsburgh area, or is it a bureaucrat in Washington at the FCC?

Mr. Speaker, the COPE Act sends these disputes to the FCC. Why? We will never know. The leadership is afraid of a debate. They are afraid the voices of cities and towns might actually win this amendment. Our body should debate this change of policy. This rule should be voted down.

Today, local governments also enforce the franchise agreements they have signed with cable operators. These franchises include a wide range of other matters. But guess what, the COPE Act takes all other local disputes that used to be resolved locally and it detours them to the FCC. This rule should be voted down.

The Doyle-Dingell cities amendment would have saved taxpayers money by allowing local governments to handle these local problems first. It tapped into the infrastructure local governments already have in place to handle these complaints. This rule should be voted down.

I want to thank my friends on the other side of the aisle who expressed interest in the Doyle-Dingell amendment. I am sad that their interest in solving problems in a bipartisan manner might have killed its chances from being considered.

Mr. Speaker, the Doyle-Dingell amendment was supported by the National League of Cities, the U.S. Conference of Mayors, the National Association of Counties, and others. Without our amendment, the COPE Act will create real problems for America's cities. Why should Congress detour disputes about how a city manages its roads away from the local area?

Since when does the FCC care about the Pittsburgh public access channel? How fast will the FCC respond to Pittsburgh's institutional network, the I-Net that a city relies on.

□ 1315

Why should the FCC be the final arbiter over America's streets?

Why is Congress telling America's local governments that they have to hire a Washington attorney to defend their roads?

We will never know. We are not allowed to debate this bill. This rule should be voted down.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I think we have heard a good debate. I think the key, first with regard to the process, the

rule. Obviously every piece of legislation is brought forth for consideration by rule that sets the terms of the debate, how many amendments can be made in order, how long they be can be debated, et cetera.

As I said before, a colleague of mine on my side of the aisle said, why have we made under this rule three times as many Democrat or bipartisan amendments than Republican amendments? I said, because we want to be fair. It is an important issue; want to make sure that everybody gets a chance, that the key issues, the key issues have a chance to move forward in a fair way. So we are being exceptionally fair. It is an exceptionally important issue.

There is finally going to be competition for cable television in this country. I don't know about you, Mr. Speaker, but I have constituents through the years complain about their lack of choice with regard to cable, the fact that rates continue to rise. There is no competition. There is no alternatives for consumers with regard to cable television.

Finally, there is going to be, because of this legislation. So it is an important piece of legislation. That is why we wanted to be as fair as possible with regard to the terms of debate. That is why we made three times as many amendments, Democrat or bipartisan amendments in order than Republican amendments.

We have still heard complaints. Obviously it is a free country. But Mr. Speaker, we are proud of the rule, proud of the process, of the hard work that has been put into this legislation, starting with Chairman BARTON, Mr. RUSH of Illinois, Mr. UPTON, so many others, Mr. PICKERING, who have worked so hard on this piece of legislation, and we bring it forth in a very fair process with a very fair rule.

Mr. BUYER. Mr. Speaker, as the telecommunications industry takes leaps and bounds in pushing the innovation envelope, it is almost impossible for the Federal Government to keep pace. In fact, it is often times a detriment for the Government to preemptively legislate on an issue before we can either define it or grasp its impact. What we can do is to remove barriers to entry that currently exist, paving the way for new entrants to offer services benefiting this Nation.

The legislation before us here today is a step in the direction of more choice and lower costs for American consumers. A national cable franchise will streamline the current process and allow faster entry into the marketplace for non-traditional cable providers providing real choice for all of our constituents.

In my home State of Indiana, legislation was enacted earlier this year, streamlining the process by which cable providers could offer service. Already, investment is coming to the heartland—millions of dollars is being plugged into our economy by companies laying fiber, offering different services, leading to more jobs in Indiana. Let's also talk about the smaller companies in my district, and across Indiana, who now are free from barriers to entry so they can begin to offer cable services to compete with larger companies.

Who is the winner in the end? Our constituents, our economy, our innovators. I thank Chairman BARTON and Chairman UPTON for their leadership on this issue.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 5522, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 851 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5522.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I am pleased today to present to the House of Representatives H.R. 5522, the fiscal year 2007 appropriation bills for foreign operations, export financing and related programs. And I might say, Mr. Chairman, that I am pleased to have

you back in the Chair for I am not sure how many of the consecutive years since I have been doing this bill that you have been there, but it feels very good to have you back with us.

Before I turn to the bill, let me just mention that this is the last appropriations bill that I will be bringing to the floor, at least the last regular foreign operations appropriations bill.

As with nearly every other foreign operations bill over the last 6 years, this bill is a product of bipartisan cooperation, something I could not have done without the support and cooperation of my esteemed ranking member, Mrs. LOWEY, or my vice chairman, Mr. SHERWOOD and every member of the subcommittee.

I am proud of this bill. I can honestly say it has probably been one of the more difficult ones that we have put together. The bill before you totals \$21.3 billion. While this level is \$597 million above the amount provided in fiscal year 2006, not counting supplementals, it is fully \$2.4 billion below the amount requested by the President. In other words, by reducing the allocation by \$2.4 billion, we have freed up that amount for pressing domestic needs.

The bill includes increases for three priorities, the war on terror, the Millennium Challenge Corporation, and international health spending, priorities which lie at the core of the United States interests abroad. For the war on terror, this bill includes \$962.3 million for Afghanistan. This amount is \$137 million below the President's request, but \$85 million over fiscal year 2006.

As with last year's bill, this bill continues a provision that withholds \$385 million until the Afghan government, both at national and local levels, fully cooperates with our efforts against narcotics production and trafficking. I want to be clear that I appreciate the support of the government of Afghanistan in the war on terror. However, that government must take difficult but necessary measures to fight narcotics production and trafficking, measures that it has so far been unwilling or unable to take.

The bill also includes \$521.9 million for Iraq. While below the President's request, it represents a very large increase of \$461 million over what we provided in fiscal year 2006. That is because last year we required the administration to fund Iraq programs from unexpended relief and reconstruction funds that were in the very original supplemental appropriation. Now, however, these funds are nearly all expended.

This bill would normalize Iraq and Afghanistan assistance programs, moving them away from emergency supplementals that exceed budget limits.

The bill contains no funding in the economic support fund for West Bank and Gaza programs. Although the President's requested \$150 million for this purpose, the request was made be-

fore Hamas was elected to lead the Palestinian Authority. The subcommittee believes that humanitarian assistance must continue to the Palestinian people, a view, I might add, that is shared by the Israeli government and by the administration.

Such funding is not affected by this bill. It does contain humanitarian pro democracy funding with restrictions and safeguards that have been included in the past.

For international health, the bill contains the President's requested amount of \$3.4 billion for the emergency plan for AIDS relief, and increase of \$751.6 million. Within this sum, we more than double the President's request for a contribution to the global fund to fight AIDS, tuberculosis and malaria, to attain last year's level of \$444.5 million.

At the same time, I am pleased that the bill maintains last year's funding levels for other health programs, including an increase for malaria programs of \$243 million. For several years now the President's budget request has included deep cuts to international health programs. We have worked hard to restore them to at least the level of the previous year.

In order to bring these accounts back up, we have had to cut some other programs that are also priority programs. We provide \$2 billion for the Millennium Challenge Corporation, but that is \$1 billion below the request of the President. It is \$248 million above the amount that we provided in 2006.

This is a difficult decision for me, but I saw no way to move forward with a bill that gave the full amount that the President asked for the Millennium Challenge Corporation. My goal was very simple, I wanted to send a clear message that Congress supports the MCCs innovative, accountable approach to help countries move away from reliance on donor funding. I think a \$248 million increase does send that very clear message, while it frees up funds above that level that enables us to bring before you today a bipartisan bill.

The bill contains two important innovations. First, it includes a Trade Capacity Enhancement Fund which consolidates trade capacity funding from a variety of accounts. This new account includes \$522 million, virtually all of what is spent for trade capacity by agencies and accounts that are under the jurisdiction of this subcommittee. And it is about half of the \$1.3 billion that is spent on a government-wide basis.

Since we will now require a coherent strategy for the use of these funds, it is my hope and my belief that this new account will provide a strong incentive for countries to liberalize their trade regimes.

This bill would also restructure assistance to Colombia, formerly provided only through the Andean Counterdrug Initiative, or ACI. I want to be very clear about one point. This

bill does not cut funding from the President's request for Colombia.

□ 1330

It simply reallocates the funds requested and appropriated to regular assistance accounts. It begins to treat Colombia as we treat other strategic partners.

I think it should be clear to all of us by this time that Colombia has made significant progress in the war on drugs. They are now bringing guerilla forces in from the jungle, they are prosecuting those who are implicated in serious crimes, and they are reintegrating others back into society. Coca interdiction, although not eradication, but interdiction, continues to improve. I spoke with Speaker HASTERT, who years ago fathered the legislation creating the ACI, about this reformulation of assistance. It has his support. The Colombian government also supports this move. It is time to recognize both successes of Colombia and its strategic importance to the region.

Finally, this bill includes the President's full request for Israel and for Egypt, our two partners of longstanding in the Middle East. Report language from previous years is continued directing \$50 million of Egypt Economic Support Fund assistance to be used for democracy and another \$50 million for education. Other language, again the same as last year, would withhold expenditures until Egypt implements financial sector reforms. Importantly, this bill would also rescind \$200 million from unexpended balances made available for Egypt in previous years.

In closing, let me say, again, it has been a great pleasure to work with my distinguished colleague, ranking member on the minority side, Mrs. LOWEY, who I have the greatest respect and af-

fection for. It has been a pleasure to work with her and with her staff, with Beth Tritter and Nisha Desai. And I don't want to neglect mentioning the fine work of the majority staff, Betsy Phillips, Rob Blair, Craig Higgins, Delia Scott, and Lori Maes, and also Todd Calongne, a USAID fellow working on my personal staff. They are all competent, professional, and a joy to work with. The work that we have accomplished together, and I want to underscore the word "together," has helped make America more secure. It has improved the lives of millions throughout the world.

We have accomplished much over these last 6 years. My colleagues have often heard me say that foreign assistance is a vital component of United States economic and security interests, to say nothing of the humanitarian imperative. And while two significant initiatives were begun under my watch, the Emergency Plan For Aids Relief and the Millennium Challenge Corporation, the changes we have implemented in 6 years of appropriations run even deeper. We have worked to direct our nonsecurity foreign assistance around three primary issues, which I believe are at the heart of global development: Health, trade, and governance. This bill continues that direction.

In 2001, international HIV/AIDS and tuberculosis spending from these accounts was \$535 million. Today, just 5 years later, we are at \$3.4 billion. With these steady increases, we have provided life-saving medicines to hundreds of thousands of people in the developing world, people who are still alive to take care of their children and be productive members of their economies, thanks to the antiretroviral drugs that we are now providing to them and other important therapies. As importantly, these are people who

now live with hope, and I believe that people with hope are less likely to be attracted to crime and violence.

The New Trade Capacity Enhancement fund will place trade where it belongs, at the center of our international development agenda. Without trade, sustained global development is simply not possible. This new account will provide further incentives for countries to enter constructive trade agreements with the United States and others. It will also help to ensure that the right programs and policies are in place to make sure the poor are not left behind as economies improve.

Finally, the bill provides further support, as I mentioned, to the Millennium Challenge Corporation, which I see as our best hope for weaning countries from foreign assistance. The MCC provides another set of incentives to countries to make the correct policy decisions, policies which improve rule of law and economic policies, investments in the health and education of people.

I am proud to have served in this institution, and I am especially proud of the work of this committee and this subcommittee. The package of foreign assistance before you is built on a solid basis of experience, funds programs that are more accountable and transparent, and, most importantly, helps to protect U.S. security at home and abroad. It is an example of the good that can be accomplished with a bipartisan effort, and I can think of no arena more important for a unified American voice than in foreign affairs.

Mr. Chairman, fellow members, I am pleased to submit this bill and urge your favorable consideration.

Mr. Chairman, I include the following for the RECORD.

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - EXPORT AND INVESTMENT ASSISTANCE					
EXPORT-IMPORT BANK OF THE UNITED STATES					
Subsidy appropriation.....	99,000	26,382	26,382	-72,618	---
Administrative expenses.....	72,468	75,234	75,234	+2,766	---
Inspector General.....	990	988	988	-2	---
Negative subsidy.....	-35,000	-45,000	-45,000	-10,000	---
Emergency appropriations (P.L. 109-148) (rescission).....	-25,000	---	---	+25,000	---
Total, Export-Import Bank of the United States..	112,458	57,604	57,604	-54,854	---
OVERSEAS PRIVATE INVESTMENT CORPORATION					
Noncredit account:					
Administrative expenses.....	41,851	45,453	45,453	+3,602	---
Insurance fees and other offsetting collections...	-240,000	-258,000	-258,000	-18,000	---
Subsidy appropriation.....	20,073	20,035	20,035	-38	---
Total, Overseas Private Investment Corporation..	-178,076	-192,512	-192,512	-14,436	---
FUNDS APPROPRIATED TO THE PRESIDENT					
Trade and development agency.....	50,391	50,300	50,300	-91	---
Total, title I, Export and investment assistance	-15,227	-84,608	-84,608	-69,381	---
TITLE II - BILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
United States Agency for International Development					
Child survival and health programs fund.....	1,569,150	1,433,000	1,565,613	-3,537	+132,613
(Transfer out).....	(-5,940)	---	---	(+5,940)	---
Emergency appropriations (P.L. 109-148).....	75,200	---	---	-75,200	---
Development assistance.....	1,508,760	1,282,000	1,294,000	-214,760	+12,000
(Transfer out).....	(-20,790)	(-21,000)	(-21,000)	(-210)	---
(By Transfer).....	---	---	(135,000)	(+135,000)	(+135,000)
International disaster assistance.....	361,350	348,800	348,800	-12,550	---
Emergency appropriations (P.L. 109-148).....	56,330	---	---	-56,330	---
Subtotal, Disaster assistance.....	417,680	348,800	348,800	-68,880	---
Transition Initiatives.....	39,600	50,000	40,000	+400	-10,000
Development Credit Authority:					
(By transfer).....	(20,790)	(21,000)	(21,000)	(+210)	---
Administrative expenses.....	7,920	8,400	8,400	+480	---
Africa House and Infrastructure Facility.....	---	5,000	---	---	-5,000
Subtotal, Development assistance.....	3,618,310	3,127,200	3,256,813	-361,497	+129,613
Payment to the Foreign Service Retirement and Disability Fund.....	41,700	38,700	38,700	-3,000	---

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
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Operating expenses of the U.S. Agency for International Development.....	623,700	678,826	646,000	+22,300	-32,826
Emergency supplemental (P.L. 108-106).....	---	---	---	---	---
(By transfer).....	(5,940)	---	---	(-5,940)	---
Subtotal, Operating expenses.....	623,700	678,826	646,000	+22,300	-32,826
Capital Investment Fund.....	69,300	131,800	105,300	+36,000	-26,500
Operating expenses of the U.S. Agency for Inter- national Development Office of Inspector General....	35,640	38,000	39,000	+3,360	+1,000
Total, USAID.....	4,388,650	4,014,526	4,085,813	-302,837	+71,287
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Other Bilateral Economic Assistance					
Economic support fund:					
Israel.....	237,600	120,000	120,000	-117,600	---
Egypt.....	490,050	455,000	455,000	-35,050	---
Other.....	1,880,010	2,639,470	2,075,740	+195,730	-563,730
Economic support fund (P.L. 108-106).....	---	---	---	---	---
(Transfer out).....	(-5,000)	---	---	(+5,000)	---
(Transfer out).....	---	---	(-135,000)	(-135,000)	(-135,000)
Iraqi Relief and Reconstruction Fund (by transfer)	(5,000)	---	---	(-5,000)	---
Subtotal, Economic support fund.....	2,607,660	3,214,470	2,650,740	+43,080	-563,730
International Fund for Ireland.....	13,365	---	10,800	-2,565	+10,800
Assistance for Eastern Europe and the Baltic States...	357,390	273,900	227,900	-129,490	-46,000
Assistance for the Independent States of the former Soviet Union.....	508,860	441,000	371,280	-137,580	-69,720
Trade Capacity Enhancement Fund.....	---	---	522,000	+522,000	+522,000
Total, Other Bilateral Economic Assistance.....	3,487,275	3,929,370	3,782,720	+295,445	-146,650
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INDEPENDENT AGENCIES					
Inter-American Foundation					
Appropriation.....	19,305	19,268	19,268	-37	---
African Development Foundation					
Appropriation.....	22,770	22,726	22,726	-44	---
Peace Corps					
Appropriation.....	318,780	336,700	324,587	+5,807	-12,113
Millenium Challenge Corporation					
Appropriation.....	1,752,300	3,000,000	2,000,000	+247,700	-1,000,000

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request
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Department of State					
Global HIV/AIDS initiative.....	1,975,050	2,894,000	2,772,500	+797,450	-121,500
Democracy Fund.....	94,050	---	---	-94,050	---
International narcotics control and law enforcement...	472,428	795,490	703,600	+231,172	-91,890
Subtotal, Narcotics control.....	472,428	795,490	703,600	+231,172	-91,890
Andean Counterdrug Initiative.....	727,155	721,500	506,850	-220,305	-214,650
Migration and refugee assistance.....	783,090	832,900	750,206	-32,884	-82,694
United States Emergency Refugee and Migration Assistance Fund.....	29,700	55,000	30,000	+300	-25,000
Nonproliferation, anti-terrorism, demining and related programs.....	405,999	449,430	425,010	+19,011	-24,420
Conflict response fund.....	---	75,000	---	---	-75,000
Subtotal, Department of State.....	4,487,472	5,823,320	5,188,166	+700,694	-635,154
 Department of the Treasury					
International Affairs Technical Assistance.....	19,800	23,700	23,700	+3,900	---
Debt restructuring.....	64,350	182,799	20,000	-44,350	-162,799
Subtotal, Department of the Treasury.....	84,150	206,499	43,700	-40,450	-162,799
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Total, title II, Bilateral economic assistance..	14,560,702	17,352,409	15,466,980	+906,278	-1,885,429
Appropriations.....	(14,429,172)	(17,352,409)	(15,466,980)	(+1,037,808)	(-1,885,429)
Emergency appropriations.....	(131,530)	---	---	(-131,530)	---
(By transfer).....	(31,730)	(21,000)	(156,000)	(+124,270)	(+135,000)
(Transfer out).....	(-31,730)	(-21,000)	(-156,000)	(-124,270)	(-135,000)
 TITLE III - MILITARY ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Military Education and Training.....	85,877	88,900	88,000	+2,123	-900
Foreign Military Financing Program:					
Grants:					
Israel.....	2,257,200	2,340,000	2,340,000	+82,800	---
Egypt.....	1,287,000	1,300,000	1,300,000	+13,000	---
Other.....	910,800	910,900	814,900	-95,900	-96,000
Subtotal, Grants.....	4,455,000	4,550,900	4,454,900	-100	-96,000
(Limitation on administrative expenses).....	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)
Total, Foreign Military Financing.....	4,455,000	4,550,900	4,454,900	-100	-96,000
Peacekeeping operations.....	173,250	200,500	170,000	-3,250	-30,500
Subtotal, Peacekeeping operations.....	173,250	200,500	170,000	-3,250	-30,500
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Total, title III, Military assistance.....	4,714,127	4,840,300	4,712,900	-1,227	-127,400
Appropriations.....	(4,714,127)	(4,840,300)	(4,712,900)	(-1,227)	(-127,400)
Emergency appropriations.....	---	---	---	---	---
(Limitation on administrative expenses).....	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)
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FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE IV - MULTILATERAL ECONOMIC ASSISTANCE					
FUNDS APPROPRIATED TO THE PRESIDENT					
International Financial Institutions					
World Bank Group					
Contribution to the International Bank for Reconstruction and Development:					
Global Environment Facility.....	79,200	56,250	56,250	-22,950	---
Contribution to the International Development Association.....	940,500	950,000	950,000	+9,500	---
Contribution to Multilateral Investment Guarantee Agency.....	1,287	---	---	-1,287	---
(Limitation on callable capital subscriptions)....	(8,127)	---	---	(-8,127)	---
Total, World Bank Group.....	1,020,987	1,006,250	1,006,250	-14,737	---
Contribution to the Inter-American Development Bank:					
Contribution to the Enterprise for the Americas Multilateral Investment Fund.....	1,725	25,000	23,000	+21,275	-2,000
Inter-American Investment Corporation.....	1,725	---	---	-1,725	---
Total, Inter-American Development Bank.....	3,450	25,000	23,000	+19,550	-2,000
Contribution to the Asian Development Bank:					
Paid-in capital.....	---	23,750	---	---	-23,750
Contribution to the Asian Development Fund.....	99,000	115,250	115,250	+16,250	---
Total, Asian Development Bank.....	99,000	139,000	115,250	+16,250	-23,750
Contribution to the African Development Bank:					
Paid-in capital.....	3,602	5,018	5,018	+1,416	---
(Limitation on callable capital subscriptions)....	(88,334)	(78,622)	(78,622)	(-9,712)	---
Contribution to the African Development Fund.....	134,343	135,700	135,700	+1,357	---
Total, African Development Bank.....	137,945	140,718	140,718	+2,773	---
Contribution to the European Bank for Reconstruction and Development:					
Paid-in capital.....	1,006	---	---	-1,006	---
(Limitation on callable capital subscriptions)....	(2,250)	---	---	(-2,250)	---
Contribution to the International Fund for Agricultural Development.....	14,850	18,000	18,000	+3,150	---
Total, International Financial Institutions.....	1,277,238	1,328,968	1,303,218	+25,980	-25,750
International Organizations and Programs					
Appropriation.....	326,163	289,000	327,570	+1,407	+38,570
Total, title IV, Multilateral economic assistance.....	1,603,401	1,617,968	1,630,788	+27,387	+12,820
(Limitation on callable capital subscript).....	(98,711)	(78,622)	(78,622)	(-20,089)	---
=====					

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE V - GENERAL PROVISIONS					
Expenditure transfer (Sec. 540).....	---	---	---	---	---
Sec. 6084 Security in Asia.....	9,900	---	---	-9,900	---
Sec. 577.....	---	---	---	---	---
Sudan (Sec. 569).....	---	---	---	---	---
Rescission.....	---	---	-388,100	-388,100	-388,100
	=====	=====	=====	=====	=====
Total, title V, General Provisions.....	9,900	---	-388,100	-398,000	-388,100
Appropriations.....	(9,900)	---	---	(-9,900)	---
	=====	=====	=====	=====	=====
Grand total.....	20,872,903	23,726,069	21,337,960	+465,057	-2,388,109
Appropriations.....	(20,766,373)	(23,726,069)	(21,726,060)	(+959,687)	(-2,000,009)
Emergency appropriations.....	(131,530)	---	---	(-131,530)	---
Contingent emergency appropriations.....	---	---	---	---	---
Rescissions.....	(-25,000)	---	(-388,100)	(-363,100)	(-388,100)
(By transfer).....	(31,730)	(21,000)	(156,000)	(+124,270)	(+135,000)
(By transfer emergency appropriations).....	---	---	---	---	---
(Transfer out).....	(-31,730)	(-21,000)	(-156,000)	(-124,270)	(-135,000)
(Transfer out emergency appropriations).....	---	---	---	---	---
(Limitation on administrative expenses).....	(41,600)	(43,500)	(42,500)	(+900)	(-1,000)
(Limitation on callable capital subscript).....	(98,711)	(78,622)	(78,622)	(-20,089)	---
(Emergency Supplemental (P.L. 108-106)).....	(131,530)	---	---	(-131,530)	---
	=====	=====	=====	=====	=====

FOREIGN OPERATIONS- EXPORT FINANCING- AND RELATED PROGRAMS APPROPRIATIONS- 2006 (H.R. 5522)
(Amounts in thousands)

	FY 2006 Enacted	FY 2007 Request	Bill	Bill vs. Enacted	Bill vs. Request

CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Emergency appropriations.....	-131,530	---	---	+131,530	---
ATB adjustment.....	---	---	---	---	---

Total, adjustments.....	-131,530	---	---	+131,530	---
Total (including adjustments).....	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
Amounts in this bill.....	(20,872,903)	(23,726,069)	(21,337,960)	(+465,057)	(-2,388,109)
Scorekeeping adjustments.....	(-131,530)	---	---	(+131,530)	---
Prior year outlays.....	---	---	---	---	---
=====					
Total mandatory and discretionary.....	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
Mandatory.....	(41,700)	(38,700)	(38,700)	(-3,000)	---
Discretionary.....	(20,699,673)	(23,687,369)	(21,299,260)	(+599,587)	(-2,388,109)
=====					
RECAP BY FUNCTION					
Mandatory.....	41,700	38,700	38,700	-3,000	---
Prior year outlays.....	---	---	---	---	---

Total, Mandatory.....	41,700	38,700	38,700	-3,000	---
Discretionary.....	20,699,673	23,687,369	21,299,260	+599,587	-2,388,109
Prior year outlays.....	---	---	---	---	---

Total, Discretionary.....	20,699,673	23,687,369	21,299,260	+599,587	-2,388,109
=====					
Grand total, Mandatory and Discretionary.....	20,741,373	23,726,069	21,337,960	+596,587	-2,388,109
=====					
DISCRETIONARY 302(b) ALLOCATION					
302(b) allocation.....	20,937,000	---	21,300,000	+363,000	+21,300,000
Over/under allocation.....	-237,327	23,687,369	-740	+236,587	-23,688,109

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this bill, and I urge my colleagues to support it as well. Our 302(b) allocation, which was nearly \$2.4 billion below the President's requested level, presented us with several challenges. Within this sharply reduced allocation, we were compelled to fit dramatic increases in presidential priorities such as the Millennium Challenge Account and the President's Emergency Plan For AIDS Relief, as well as increased funding for Afghanistan and Iraq.

I generally agree with Chairman KOLBE on the spending levels recommended within the reduced allocation. We worked closely together as always to ensure that, in the face of devastating cuts, we at least level funded child survival and health and development assistance priorities. The bill provides the President's request of \$3.4 billion for HIV/AIDS, increasing the overall amount for HIV/AIDS and TB by \$751 million over the fiscal year 2006 enacted levels, and more than doubling the President's request for the global fund to fight AIDS, TB, and malaria to the fiscal year 2006 enacted level of \$444.5 million. Although I know we both wish we could have done more for the global fund, I believe we are doing the best we can with the resources we have.

The bill maintains level funding for basic education in the development assistance account at last year's level of \$365 million. And I am pleased that we have been able to increase non-DA funds for basic education in the bill for a total of \$550 million. We also continue the U.S. reconstruction program in Afghanistan, fully fund the requested levels for Liberia, Haiti, and Sudan, and fully fund our strategic commitments in the Middle East. I am pleased that we have also restored deep cuts the President requested in family planning and reproductive health programs. The bill substantially increases family planning funding and the child survival and health account from the President's request, fully restores bill-wide bilateral funding to \$432 million, the fiscal year 2006 House-passed level, and earmarks \$34 million for the United Nations population fund.

I am also pleased that the bill restores funding for several key U.N. agencies, including UNICEF; UNDP, UNIFEM, and the UNIFEM Trust Fund.

I want to commend the chairman for his willingness to take a critical look at the Andean Counternarcotics Initiative, and specifically how the continuation of a special program aimed primarily at eradication of coca is consistent with the myriad U.S. foreign policy goals in the Andean region. I do believe that our overemphasis on the drug war has caused us to neglect many of the critical objectives throughout Latin America, and it is

my hope that the changes made by the chairman in the allocation of funds in this bill are the first steps toward a wholesale reevaluation of our foreign aid program in the region.

I want to point out a few specific concerns I have with the bill. Our shamefully low allocation required us to make cuts from the requests in several key areas, including Migration and Refugee Assistance, peacekeeping, programs for Eastern Europe and the former Soviet Union, key Economic Support Fund programs, and Congo debt relief. It is my hope we will be able to restore these cuts and even provide increases where warranted, in conference, in addition to providing funding for many of these priorities in the supplemental conference report expected on the House floor tomorrow.

I also hope that we can restore full funding for the United States commitment to the Global Environmental Facility. The President's requested level granted in this bill is more than \$20 million less than what we had pledged. In light of the GEF's adoption just this week of a number of U.S. initiated matters and reforms, I believe we have a particular responsibility to fully fund our commitment to this organization.

I am disappointed that this bill places no conditionality whatsoever on U.S. military assistance to Indonesia and Guatemala. Despite constructive language on Indonesia included in the FY 06 bill, this bill fails to send the message that the United States does expect Indonesia to continue on the path of achieving true civilian control over the military and accountability for human rights abuses. Again, I hope this is something we can remedy in conference.

Finally, I would like to take this opportunity to thank Chairman KOLBE for his hard work this year and every year throughout his tenure in creating a bipartisan environment for examining our foreign aid policy priorities and addressing the funding needs of our foreign assistance program. The chairman has shown tremendous leadership in steering our subcommittee, setting an example of bipartisan cooperation and collaboration that, unfortunately, is too rare in Congress today, and, Chairman KOLBE leaves behind an impressive legacy as he prepares to retire.

Chairman KOLBE has overseen the largest increases in the foreign aid budget post-Cold War, understanding implicitly the key role foreign aid plays in maintaining United States national security. Under his stewardship, funding in the bill to combat HIV/AIDS has increased from \$485 million in FY 02 to \$3.43 billion in the mark before us today. Basic education has increased more than five-fold. I know he is particularly proud of his work on trade capacity building, as well as on shaping and promoting the Millennium Challenge Account.

Today, the last time Chairman KOLBE will manage the Foreign Operations bill during floor consideration, I

do hope we can all take a moment to express our appreciation for the chairman's leadership and his friendship. This Congress and the American people are richer for his service to this body, and his departure will leave a void of intelligence, expertise, professionalism and decency that will not easily be filled.

Chairman KOLBE, you are really a great Member and a great friend. I think I speak for many of my colleagues when I say that it has been an honor and a pleasure to work with you.

I look forward to continuing to work with the chairman and with our Senate counterparts as the bill moves into conference. However, I think the bill before us today is a good product. I appreciate the chairman's leadership, the involvement of all of our subcommittee members and associate staff, of course, the hard work of our staff, as exemplified by Nisha Desai and Betsy Phillips celebrating their birthday here in this Capitol at about 1 or 2 in the morning. So we all say happy birthday. Happy birthday, Betsy.

We thank Beth Tritter, Craig Higgins, Rob Blair, Delia Scott, Lori Maes, Kevin Hernandez and Todd Calongne for their hard work in crafting this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

Mr. LEWIS of California. Mr. Chairman, I am very pleased today to rise in support of H.R. 5522, the Foreign Operations appropriations bill for fiscal year 2007. This is the seventh of 11 bills the committee plans to bring to the House floor before the 4th of July break.

I, too, want to take a moment to express my appreciation for the work of Mr. KOLBE, as well as Ms. LOWEY. These two people working together are a demonstration of the way Congress ought to work. The two of them working together does demonstrate for all of us that the best way to get this done is to set aside partisan differences where it is possible, but, most importantly, to promote the thought that the place works a lot better by working together.

I want to take a moment to give very special tribute to JIM KOLBE, as Ms. LOWEY did. JIM is presenting his last bill. It is a very, very impressive product, most impressive because it demonstrates truly one of our fabulous Members working on behalf of all of us and the country. JIM KOLBE is as fine a member as the Appropriations Committee has ever had.

The bill addresses critical issues, including the AIDS pandemic, global trade and commerce, anti-narcotics programs, and the Global War on Terrorism.

□ 1345

Specifically, this bill provides a total of \$3.4 billion in global assistance funds

to combat HIV/AIDS, tuberculosis and malaria, \$752 million above last year's level, and the same as the President's request.

The bill provides \$445 million for the U.S. contribution to the Global Fund to Fight AIDS, tuberculosis and malaria. These accounts are more than double the amount that was requested by the President.

The legislation also provides a record level of funding for the President's signature foreign assistance initiative, the Millennium Challenge Corporation. Total funding is \$2 billion, \$248 million above last year. That represents a budget increase in a very tight budget circumstance.

Mr. Chairman, I think it is really important for us to recognize the role that this bill has played on the global war on terror. We would not have been as successful as we have been in that effort if it had not been for the work of this subcommittee.

Mrs. LOWEY. Mr. Chairman, I yield 3½ minutes to the very distinguished member of the committee, Ms. KILPATRICK.

Ms. KILPATRICK of Michigan. Mr. Chairman, to Chairman KOLBE and to my ranking member, NITA LOWEY, who has shepherded this bill through the many years that I have been on the committee, through several chairmen and ranking members, I just want to say thank you very much for your leadership and for your cooperation, because it makes it easier for all of the subcommittee members when our Chair and ranking member work together. I want to thank you for that.

To Chairman KOLBE, as you enter your next life, sir, I just want to say thank you for your leadership, your compassion and your working togetherness that you have demonstrated as I have worked with you over these last many years. We are going to miss you in this body. I am sure your next opportunities will also enhance this body. So congratulations and good luck to you.

I stand in support of this bill. It is a bipartisan effort that we have worked together on for several months now. If we had more money, we could have done better. But we did the best with what we had.

Mr. Chairman, I am happy that the HIV account is probably funded higher than it has been ever under Chairman KOLBE and Ranking Member LOWEY's leadership and direction. HIV/AIDS is a pandemic in the world, and the U.S. is certainly doing our part. And I want to thank the administration as well as the Members of this Congress, both House and Senate, for standing by and making available treatment options so that people can have fuller, better lives.

Our Child Survival Account, which is not at the level that I would like to see it, but continues to help with malaria and TB and other kinds of illnesses across this world. We thank you for that. The assistance that this bill gives

Liberia, as well as the Sudan, we had the President from Liberia here not long ago, President Sirleaf, who has demonstrated a new wave in Liberia. I am happy that this bill will continue to assist them.

The Darfur debacle that is currently under way in the Sudan, we have got to do more there. We have got to rise up as a Nation and offer the leadership of the United States to bring this decimation of millions of peoples and their lives and children to a rest.

I do not want to really get into it here, but there will be much debate about Egypt. I want to talk about it just a moment. I was able to go to Egypt a couple of weeks ago with our Chair and ranking member; I have been in that region before.

I come from the State of Michigan. Michigan has the largest amount of Arab Americans and Arabs in America in our part of the world through four of the Members of this Congress. Congressman DINGELL, CONYERS, KNOLLENBERG and myself share that population of Arab Americans in our districts, have been living with them for decades, and they are a part of our family and our population in southeastern Michigan, where two-thirds of the population of our State lives.

Egypt, the leading country in that part of the Middle East, is a friend of America. President Mubarak is the best friend we have in the region. There will be much debate about Egypt as we go forward. I do not want to get into the specifics right now, but I do want to say thank you to the chairman, there is a rescission of \$200 million in the budget that was not spent.

So there is some attention paid to what is happening in Egypt. Egypt needs to be our partner, and they need to know that we support them. The rescission that the Chairman offered has now been ratified by the subcommittee and the full committee. It is a step to say that we are watching you, we are working with you.

Democracy in our region of the world is not the same as it is all over the world. I believe President Mubarak and his administration are doing what they can to maintain the stability in the region. So I believe this is a good bill.

And as we go throughout the day to debate the 20-plus amendments, pay particular interest to what is happening in the world. We are a leader. We deserve it. And we look forward to your support.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of H.R. 5522, the fiscal year 2007 Foreign Operations Appropriations Act.

First, I want to extend my best wishes to Chairman KOLBE for all of the work that he has done. He has done some tremendous work, extraordinary work. I think he has been an invaluable resource for the foreign operations end of things. So I just want to say, in ad-

dition he has always been receptive, been very responsive to Members' input on a very, very difficult bill.

Mr. KOLBE, I really appreciate having you around. I also want to wish you the very best in the future in whatever you decide to move into.

I also want to commend the ranking member, Mrs. LOWEY. Mr. KOLBE and Mrs. LOWEY, I think, have been a great team for this particular committee. I convey my best. You are not leaving obviously, Mrs. LOWEY, so can you stick around. But I convey the very best to her and the work that she has done.

We found common ground on a variety of issues, and together I think we achieved some pretty important results. I look forward to continuing that in the future.

Mr. Chairman, I want to thank the subcommittee staff for the hard work that they have performed in addressing the many issues in this bill. It is a testament to them that the bill runs through the process so smoothly every year despite the number of demands and challenges that they face.

Once again, Chairman KOLBE, his staff, Ranking Member LOWEY have crafted an excellent bill that balances all of the many priorities the United States has around the world. Our foreign assistance fosters democratic and transparent governments, promotes human rights and helps millions of people in need.

While less than 1 percent of our entire annual budget, foreign assistance serves as a main pillar of our foreign policy and is an integral part of our national security.

As always, assistance to the Middle East is the central part of this bill. It provides the full amount that the President requested for Israel, including both economic and security assistance.

It also provides \$40 million for refugee resettlement in Israel. Just as importantly, it lays down the groundwork for this program in the future. It also provides no direct funding for the Hamas-infected Palestinian Authority.

However, it does provide limited humanitarian assistance under strict guidelines and checks to ensure absolutely no funding reaches Hamas.

Additional funding for Lebanon, Egypt and other Middle East countries is important to support reform efforts. It is particularly important to note the continued funding for the Middle East Partnership Initiative which further reforms the region.

Mr. Chairman, I am also particularly pleased that the bill provides \$62 million in economic assistance to Armenia. I look forward to working with Chairman KOLBE to ensure that the final bill includes adequate funding for Armenia. This funding is especially important since Turkey and Azerbaijan continue to obstruct transportation and infrastructure routes into and out of Armenia with the intention of forcing Armenia into economic isolation.

The bill maintains parity in U.S. military assistance to Armenia and Azerbaijan, which is critical to the overall policy toward the South Caucasus.

There is also no chance in section 907 language with respect to Azerbaijan. The bill includes other important funding, such as \$2 billion for the Millennium Challenge Corporation, which provides foreign assistance to specific countries if and only if they meet specific criteria. It also includes substantial funding to fight the scourge of HIV/AIDS.

Mr. Chairman, this is a responsible bill. It is the result of significant oversight. It is fiscally sound and it focuses funding on the priorities that will advance our interests. For all of those reasons, I strongly support the bill. I urge all of my colleagues to join in supporting this bill on the floor today.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY) for the purpose of a colloquy.

Mrs. MCCARTHY. Mr. Chairman, I want to talk for a moment about a radio station in Iraq called Radio Al Mahaba, which is giving Iraqi women a taste of freedom of speech. It is the first and only station for women in the entire Middle East and the only politically and religiously independent radio station in Iraq.

This station started in April 2005 using a \$350,000 grant from the United Nations Development Fund for Women. As we know, under Saddam Hussein, women lost not only vast employment opportunities, but also educational opportunities. The illiteracy rate of Iraqi women rose to a high of 75 percent, according to UNICEF estimates.

The recent changes in the social and political structure of Iraq have also been difficult on Iraqi women. The radio station was created in order to empower and educate women. When they started, they were broadcasting throughout Iraq, including in isolated areas discussing issues important to women, and also discussing the goals of freedom and democracy.

Unfortunately, insurgent attacks knocked out their main transmitter. In spite of that and a shoestring budget, the people who worked at the station continued on broadcasting in Baghdad. Last week their remaining transmitter, which was rented, failed.

However, with the help of the Iraqi Civil Society Program implemented by America's Development Foundation and funded by the U.S. Agency For International Development, it looks as though they may be able to rent another transmitter and get back on the air soon.

Of course, a more permanent solution is needed. They need a transmitter so they can again broadcast throughout Iraq and have a goal of reaching places like Iran. Iraqi women are fortunate to have this radio station, and it plays an important role toward achieving a free and democratic Iraq.

Mrs. LOWEY. I thank the gentlewoman for her interest in the issue, and I understand that Radio Al Mahaba has given Iraqi women the opportunity to exercise freedom of expression during a very confusing and dangerous time in their country.

I will look forward to working with my colleague from New York to support the continued operation of this vital resource. And I thank the gentlewoman for bringing it to our attention.

Mrs. MCCARTHY. Mr. Chairman, I thank the ranking member for her willingness to engage us in a colloquy.

Mr. KOLBE. Mr. Chairman, may I inquire about the remaining time.

The CHAIRMAN. The gentleman from Arizona has 11 minutes remaining. The gentlewoman from New York has 16½ minutes remaining.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding me time and thank him for the job he has done on this very important legislation.

Mr. Chairman, this morning I had the privilege of joining First Lady Laura Bush, Ambassador Tobias, Dr. Kent Hill at an event announcing Malawi, Mozambique, Rwanda, and Senegal as the newest countries to be added to the President's Malaria Initiative, \$1.2 billion over its 5-year program. Mrs. Bush also announced Admiral R. Timothy Ziemer as the new U.S. Malaria Coordinator.

I think Members should be aware if they are not already that every 30 seconds an African child dies of malaria moreover about 1.2 million people die each year, mostly in Africa, from this preventable disease.

The President's Malaria Initiatives (PMI) goal is to cut malaria deaths by 50 percent in 15 African countries and hopefully to also mitigate morbidity. The plan includes disseminating insecticide-treated bed nets, indoor residual spraying, life-saving drugs called ACTs, and treatment for pregnant women known as intermittent preventive treatment or IPT.

The money in this bill will advance this initiative and will now include four new countries. Let me also thank the chairman and the committee for modestly upping the amount of money to try to effectuate cures for those women suffering obstetric fistula.

The amount has now risen to \$7.5 million. My hope is, and perhaps in conference, we can bump that up even further to \$10 million. Two million women suffer from this debilitating condition, the result of which is incontinence. I have visited hospitals in Africa, and seen that for a mere \$150 a woman's life can be given back to her through a surgical repair.

Obviously, there is also prevention, but there are these 2 million women who have a fistula today, and it seems to me we need to do even more to try to end their misery.

□ 1400

Having met with many of these women, to see the smiles on their faces, having gotten their lives back, going back to their villages knowing that they will no longer be ostracized because incontinence obviously is not just a health hazard and leads to sickness, it results in very serious odor as well.

Let me remind my colleagues that anywhere from 50,000 to 100,000 new cases occur every year, and certainly if we were to increase our effort on obstetrical services, especially midwives in Africa, such an effort would go a long way to preventing this condition when an obstructed delivery or some kind of sexual trauma causes obstetric fistula.

I would hope the chairman would try to increase that number even further, and I thank him for what he has done.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Arizona.

Mr. KOLBE. The gentleman has identified a problem that we think is absolutely of critical importance. We have moved from, I believe, no money just in 2003 to 1 million to 5 million to \$7 million in this year, so I think we are moving very substantially in this area.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

I just want to respond to the gentleman from New Jersey. I appreciate your advocacy on this very critical issue. Many of us in the Congress on both sides of the aisle understand the urgency, and I do hope we can work together on the next step because these young women come there with this terrible, terrible problem and then they are repaired. And without contraceptive coverage, without family planning, they come back again and again and again. So I look forward to continuing the dialogue and I thank you for your advocacy.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Chairman, I appreciate this opportunity to engage in a colloquy with Ranking Member LOWEY and Chairman KOLBE.

The report accompanying H.R. 5522, the Foreign Operations Appropriations Act, includes language encouraging the consideration of a proposal from the Gift of Life International for Project Iraqi Hearts, a program that will provide life-saving open heart surgery to Iraqi children that they cannot get at home.

I have been an advocate of the Gift of Life Program since 1983 when I worked with then-First Lady Nancy Reagan, to arrange for a young boy and girl from South Korea to come to the United States by way of Air Force One for a life saving open heart surgery.

Supported by 50 Rotary Districts every year, the Gift of Life International transports to the United States and surgically operates on over

a thousand children from all over the developing world. Through the efforts of our military personnel serving in Iraq, the Gift of Life has now identified at least 1,500 children that have been diagnosed as suffering from congenital heart defects that will be fatal if left untreated.

The Gift of Life has a terrific track record on our Nation's reputation in Iraq. It could certainly use a little boost from a program like this. While specific funds have not been set aside in the text of the bill, I would like the chairman and ranking member of the subcommittee to confirm their interest in the program and to reiterate their support through consideration of this initiative by the Department of State and USAID.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Arizona.

Mr. KOLBE. The report accompanying H.R. 5522 does indicate the committee's awareness of the Gift of Life International's Project Iraqi Hearts. It is an initiative that should be thoroughly explored. The ranking minority member and I are both committed to working with the gentleman from New York to ensure that this proposal gets careful consideration from the Department of State and USAID. Specific funds have not been set aside, but if review by State and AID show the program can deliver results that save lives, it would have the committees's strong support.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from New York.

Mrs. LOWEY. Mr. Chairman, I certainly agree that this program should be thoroughly considered by the Department of State and USAID. It can save lives that would otherwise be lost, and advance our national interest by demonstrating the compassion of the American people. It deserves a chance to go forward. I look forward to working with the Chair and the gentleman from New York to ensure that Project Iraqi Hearts gets the attention and consideration it deserves.

Mr. ACKERMAN. Mr. Chairman, I thank the Chair and ranking member for their commitment to this initiative and I look forward to working with them to see if we can save some Iraqi children's lives through the Gift of Life Program.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), the distinguished vice chairman of the subcommittee, a very important Member who has contributed much to the work of this subcommittee.

Mr. SHERWOOD. Mr. Chairman, I rise today in strong support of the foreign operations bill for 2007. The legislation before us is a fair and fiscally responsible bill that sensibly promotes U.S. foreign policy.

I would like to commend Chairman KOLBE on a job well done. He is an ef-

fective leader with a strong work ethic, a balanced approach and a remarkable knowledge and command of the subject matter. I have learned a great deal from you, Mr. Chairman, as a member of your subcommittee. As you leave Congress, I wish you the kind of success and respect that you have earned here in the House of Representatives.

This foreign operations bill is a solid bipartisan piece of legislation that helps our government meet our objectives abroad and in turn make America more secure. The bill is \$2.4 billion below the President's request, but in light of the many domestic needs here in the U.S., I agree with the chairman that the allocation is fair. Tough choices had to be made to fund our international priorities, and I believe he has made the right choices in setting these priorities.

The bill provides reasonable increases in assistance to our allies in the war on terror, the Millennium Challenge Corporation, and international health objectives that fight the spread of diseases such as AIDS, malaria, and tuberculosis. It provides funds for Afghanistan, including nearly \$300 million for illegal drug interdiction and law enforcement. The increase in poppy production in Afghanistan is of particular concern to the subcommittee, and these funds are crucial in curbing this very real drug problem.

The bill also includes assistance for Iraq. I know it is a priority of the chairman to fund Iraq and Afghanistan assistance programs in regular appropriations bills and less in supplementals. We are one step closer to doing that in this bill. This bill before us is an important measure that successfully fulfills our commitments abroad and as a result makes America stronger and more secure. I ask for its full support.

Mrs. LOWEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank my ranking member and my friend from the State of New York for yielding me time.

Mr. Chairman, as a member of the Subcommittee on Foreign Operations, I want to thank our distinguished chairman, Mr. KOLBE from Arizona. It has been a great honor and privilege to work with you, sir, all of these years. We are going to miss you, your wisdom and your kindness and your sense of fairness. Thank you, sir, for all you have done for us and for our work. And to Ms. LOWEY, our ranking member, thank you for your leadership as the ranking member for bringing our priorities to the floor and our values. You are a tireless and effective advocate.

Mr. Chairman, despite an allocation from the Budget Committee that was lower than what we had hoped, we I believe on our subcommittee have accomplished a great deal and in a bipartisan way, such as providing funds for critical programs such as global AIDS and

HIV programs, basic education worldwide, and economic and military assistance for many of our allies.

This assistance to our allies is important for three reasons: One, it improves strategic relations with important countries around the world who help guarantee America's security and the perpetuation of democracy and western values, countries such as the State of Israel, Armenia and Cyprus. It also provides humanitarian assistance for nations in need such as in the Sudan, Liberia and Haiti. It keeps our trade relations strong, promoting cooperation between nations that help us solve global problems and feed the world.

With regards to the environment, Mr. Chairman, I am concerned that the United States may not be doing enough under this bill to contribute to the international programs that protect the environment. The Global Environment Facility, or the GEF, is the single largest source of funding for programs that conserve and protect biodiversity and preserve habitats in countries around the world, from Bangladesh to Brazil.

In the roughly 15 years since its creation, the U.S.'s funding to the GEF has leveraged at least \$14 for every \$1 we have contributed, \$14 for every \$1 we have contributed. International conservation issues, Mr. Chairman, know no national boundaries; and I think the funding model of the GEF where our funding is matched many times over by other donors to solve problems that impact us all, is a smart, fair, and effective approach. Given the importance of the GEF to the global environment, I am concerned about the level of funding for the GEF in this fiscal year 2007 bill.

The administration requested \$56.25 for the GEF in this year's budget, which the committee funded at the request level. But this is a 48 percent cut compared with the administration's own request last year. In the meantime, as our distinguished chairman knows, just this past Tuesday, the GEF adopted all of the reforms proposed by the Treasury Department associated with the fourth replacement of the GEF.

The U.S. negotiators have now committed our country to providing \$80 million to the GEF in fiscal year 2007. An increase of \$23.75 million over the President's budget. I certainly hope that in the conference, our distinguished chairman, our ranking member and the other people participating in the conference, will work to have this full \$80 million committed by the Treasury in the conference report. This is vitally important to our Nation's and our world's environment.

I look forward to working with the chairman and the ranking member on this issue as we move forward towards the conference.

Mr. KOLBE. Mr. Chairman, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the committee.

Mr. TIAHRT. Mr. Chairman, I appreciate the gentleman from Arizona yielding to me for the purpose of a colloquy. I would also like to thank him for his service to the country. In his 22 years in the Congress, he has been a great subcommittee chairman and we appreciate his leadership.

Mr. Chairman, I also want to thank him for his foresight and inclusion for the Tiahrt amendment violation report language. I also appreciate his hard work as chairman of the subcommittee on this bill, which I support. As the author of this important amendment, which has been in law since 1998, I have grave concerns about the violations that took place in Guatemala, the confirmed fact that the violations went on for 3 years, and the amount of time it took USAID to notify Congress of the violations.

The purpose of this report language is to send a strong message to USAID that the law has been ignored and that Congress will not stand by and watch. We must be able to provide proper oversight. In order to do that the agencies that receive taxpayer dollars under the child survival and health programs fund, must adhere to the specifications of the law.

USAID has confirmed that bonus payments were paid to 12 referral agents at APROFAM, the Family Welfare Association of Guatemala, which is an international Planned Parenthood federation affiliate. Each agent had a target of bringing in 25 women for sterilization. The bonus payments were paid to the agents when certain quotas were met, and for some their salaries were almost doubled as a result. This violates two parts of the language of the law.

USAID found out about the violations and the bonus was stopped. However, the length of time concerns me. It took them 9 months to get the information from Guatemala to USAID to Washington, then another 60 days to get it to Congress.

We ought to be horrified that no less than 900 women that were sterilized by APROFAM over the span of 3 years, the bonus payment system was in place.

Mr. Chairman, I have heard of other possible amendment violations to the Tiahrt amendment in other countries, and I implore USAID to act quickly to investigate these in a proper and timely manner and to report to Congress.

I want to thank again the chairman for engaging in this colloquy and for his service to the committee and to the country.

Mr. KOLBE. Mr. Chairman, I want to thank my colleague from Kansas for his discussion on this very important subject, and certainly as the subcommittee was crafting this bill, we acknowledge how important these issues are.

□ 1415

I want to assure the gentleman that the committee will continue to pay close attention to the reports from

USAID of possible and confirmed violations of this amendment. We also will work with the USAID to ensure the timely reporting of violations if, and when, they occur.

I thank the gentleman.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank our ranking member, Mrs. LOWEY. I want to commend her and Chairman KOLBE for their hard work and leadership on this bill, and I am particularly pleased that the subcommittee called for a higher allocation to Armenia than requested by the administration and would like to personally thank him for maintaining and providing the needed assistance to Nagorno-Karabakh.

The President's budget request called for 20 percent more military aid to Azerbaijan than to Armenia. That request was a clear breach of an agreement struck between the White House and Congress in 2001 to maintain parity in U.S. military aid to Armenia and Azerbaijan. Given the fact that relations between Armenia and Azerbaijan continue to be tenuous, it is imperative that the U.S. maintain a balanced approach. I am happy to see that the committee maintained that parity agreement despite the administration's request.

Unfortunately, the administration's budget also called for drastic cuts in economic assistance to Armenia, a nearly 33 percent decrease in humanitarian aid. Again, I was pleased to see the committee provided \$62 million in U.S. aid for Armenia, representing a \$12 million increase over the President's budget. The subcommittee also allocated \$5 million for Nagorno-Karabakh.

I am also very pleased that the subcommittee rejected efforts by Azerbaijani advocates to weaken section 907 restrictions on U.S. assistance to Azerbaijan. Section 907 of the FREEDOM Support Act remains a fundamental element of U.S. policy toward the South Caucasus. Because Azerbaijan continues its blockade of Armenia, section 907 is essential.

As the co-chair of the Armenian Caucus, I strongly believe that technical and developmental assistance and investment is essential to Armenia. This funding is imperative to democratic stability and economic reform. The dual blockades of Armenia by Azerbaijan and Turkey continue to impede Armenia's economic well-being.

Despite these blockades, Armenia continues to successfully implement economic and democratic reforms. However, as long as Armenia suffers from blockades on its east and west borders, continued and robust U.S. assistance to Armenia will be needed to help minimize their impact.

Thank you again to the committee and the subcommittee.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gen-

tleman from California (Mr. ROYCE), a member of the House International Relations Committee for the purposes of a colloquy.

Mr. ROYCE. Mr. Chairman, I rise today to engage the chairman of the subcommittee, Mr. KOLBE, in a colloquy.

Mr. Chairman, as you know, on Tuesday the administration successfully concluded negotiations for the fourth replenishment of the Global Environment Facility, the GEF. These have been long and detailed negotiations that had been scheduled to be concluded last year. The GEF is an important international institution for protection of the global environment, and we should be pleased that negotiations have come, frankly, to a very successful resolution.

The Treasury Department, which conducted the negotiations on behalf of the United States, got, in essence, all of the reforms it demanded. These include the items mentioned on the report language accompanying the bill, including the two major changes proposed by the U.S.: first, plans to apply a resource allocation framework to the entire GEF portfolio of new projects by 2010; second, enhanced fiduciary standards for agents that the GEF works with, including a prohibition of new funding to agencies that do not meet the standards.

The agreement also resolved the other outstanding issues to our satisfaction: removal of language regarding arrears that were objectionable to the United States; a provision regarding expanding the number of agencies the GEF works with; a provision on institutional effectiveness; and a firm target for satisfactory outcome ratings for GEF projects.

Based on this outcome, the United States negotiators pledged a total of \$320 million in U.S. contributions to the GEF over the next 4 years, \$80 million a year, starting in fiscal year 2007.

I support the administration's new commitment to the GEF, and I urge the chairman to help the administration live up to this promise that has been made to the other donors to provide \$80 million for the GEF in the bill that is ultimately sent to the President. The bill before us underfunds this commitment by \$23.75 million and, as it stands, represents a 26 percent decrease in U.S. commitment to the GEF.

Mr. Chairman, we engaged, you and I, in a colloquy last year on the GEF, and you committed to work to secure funding at conference for the GEF if it completed reforms associated with the previous replenishment. The GEF did complete those reforms, and I want to thank you right now for your support last year.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Arizona for a response.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from California for the statement you have just made and

your commitment to the international environment.

As you pointed out, I have in the past supported the mission of the GEF. I had the opportunity to sit down with the CEO of the GEF, Mr. Good, to engage in some very good discussions about their reforms and also on their programs in the past.

I have in the past been concerned about the pace of reform at the GEF. Last year, the House withheld funding for the GEF because it had not completed reforms associated with the third replenishment when our bill came to the floor. There were subsequent agreements that allowed us, in the end, to fund the GEF fully last year.

It is my understanding the GEF has now adopted the reforms sought by the committee and the administration for the fourth replenishment. We will certainly take this into consideration when we meet with the Senate in conference on this bill. In order to facilitate this, I urge the administration to consider a budget amendment requesting additional funds should they decide that is appropriate.

I thank the gentleman again for his commitment to GEF and the environment and will work with him as the bill moves through the process.

Mrs. LOWEY. Mr. Chairman, since the time has expired, I will just say that I will be happy to work with him, too.

Mr. Chairman, I am very happy to yield 2 minutes to the gentleman from New York (Mr. CROWLEY), my good friend.

Mr. CROWLEY. Mr. Chairman, I thank the gentlewoman, and my friend and mentor, from New York for yielding me this time; and I want to thank her and Chairman KOLBE, another good friend, on another good bill coming out of this committee and proving once again, when it comes to the issue of foreign aid, we can work in a very bipartisan way.

This bill is of particular importance because it is the last for Chairman KOLBE, and I would like to commend Chairman KOLBE for his steadfast support of foreign aid and for what I believe will become your greatest legacy, the creation of a Trade Capacity Enhancement Fund. Time does not allow me to go into it in further detail, but I want to thank you for that.

This bill also includes \$34 million to the United Nations Population Fund, but it has become a norm under this administration that restrictions on providing this important funding will not be released by the administration. The administration seems determined to hinder the health of women and children around the world.

While remaining troubled that this detrimental policy continues, there is much good in this bill, particularly when it comes to the issue of the Middle East.

I strongly support the funding included in this bill for Israel's foreign military financing and economic aid.

We need to continue to ensure that our close allies are able to protect themselves and remain a strong and viable state.

While I support our ally Egypt, there are issues that we in Congress must address. I understand that the Egyptians are concerned about how we disburse the aid to them, but it is important for them to understand what we expect of our partner.

The government of President Mubarak has shown that it is quite quick to throw dissidents into jail, discriminate against the Coptic minority, tolerate anti-Semitism and anti-Zionism in the official press, throw gay Egyptians into jail.

The United States must do more to help end this dangerous mix, and before the problem becomes more unstable.

There is more I would like to say about the issue of Egypt that time does not permit, but also the country of Pakistan, another country I have been concerned about for quite some time; and I am glad the Appropriations Committee recognized the internal problems within Pakistan. The reductions in ESF and FMF should send a strong message to Pakistan that it cannot use the war on terror as an excuse to repress their people.

With that, I urge my colleagues to support this worthy legislation.

Many of us in Congress have strong concerns about our partners in the developing world's capacity to handle free trade agreements with the United States and this new fund will help to solve many of those issues.

This new fund will provide the much needed assistance to our FTA partners who need increased assistance with labor and environmental standards.

My hope is that this new fund will create the environment where we will not have to repeat the divisive CAFTA battle.

We should all be doing what we can to support free trade to benefit these emerging democracies.

We must recognize that building stable societies must start at the grassroots level and that is why I was pleased to see that this new section of the program will receive \$6 million.

We need to redouble our efforts to make sure while we move peace along at the top levels we don't forget to focus on the people who will truly make a lasting peace.

Egypt has been a strong friend and ally and has done much to help bring about a peaceful solution to the Israeli-Palestinian conflict but we cannot allow that to cloud our judgment.

Egypt should expect more from themselves, if they want to compete in today's world and move forward with the reforms they have outlined.

Pakistan is another country I have been concerned about for quite some time and I am glad the appropriations committee recognized the internal problems with Pakistan.

The reductions in ESF and FMF should send a strong message to Pakistan that they cannot use the war on terror as an excuse to repress their people.

This is a strong bill that will help our friends and allies and I urge all of my colleagues to support this bill.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the gen-

tleman from Oregon (Mr. BLUMENAUER) who has been one of the strongest advocates for clean water in the world, and we thank you for your important work.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak and for her kind words and for the work that she and Mr. KOLBE have done in this important bill, fashioning, I think, something that is very, very good, given the minimum amount of money they have been given.

Across the world, this bill will enable the United States to cooperate with other donors, to partner with people in extreme poverty to improve their lives and well-being; but, Mr. Chairman, I am hopeful that we can do a little modification to make this difficult bill a little better.

During consideration here, I will be offering an amendment with the gentleman from Iowa (Mr. LEACH) to increase the Development Assistance Account by \$250 million in order to support these smart investments to reduce poverty of the 1 billion people around the world who live on less than \$1 a day, the children who will die every 15 seconds because they do not have access to clean water and sanitation.

The proposed increase would be offset by a reduction in equal amount from unearmarked funds in the Foreign Military Financing Account. This will not affect the almost \$4 billion that is set aside for Israel, for Egypt, Jordan, or Colombia.

Mr. Chairman, the American people overwhelmingly support these investments to fight against global poverty. Recently, the Program on International Assistance Policy Attitudes found that 65 percent of the American public would support significant increases in U.S. assistance to fight poverty and disease.

This amendment will represent an all-too-rare occasion in this Chamber for bipartisan cooperation to shift money away from what are largely repressive regimes for unnecessary military assistance and put it where it will make a difference, saving the lives of poor families and especially their children around the world.

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield 2 minutes to the distinguished gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I thank the gentlewoman for yielding, and today I rise in strong support of the 2007 foreign operations appropriations bill.

I want to acknowledge the fine work done by the chairman, Mr. KOLBE, who I had the honor to travel to Indonesia with as part of the House Democracy Assistance Commission and also the superb work done each and every day by our ranking member, NITA LOWEY. We are very grateful for your fine work.

There is a lot to applaud in this bill, and I want to recognize a couple of

areas worthy of specific mention, funding in Darfur and funding for the state of Israel among others; but before I do, I want to express my regret and concern about the fact that this bill is still \$2.38 billion below the President's request. That significant cut in foreign assistance, given all the problems around the world, should be concern to all of us. Some of the areas of particular significance that have been cut: refugee assistance is being reduced; debt relief is being cut; peacekeeping is being reduced. The Peace Corps funding is being reduced. Funding for democratization efforts in Eastern Europe and the former Soviet Union countries is being reduced. Global environmental facility funding and economic support funds, all those are being reduced from the President's proposed budget at a cumulative cost in cuts in those areas and others of \$2.3 billion; and that is, I think, a considerable concern.

In other areas, I want to acknowledge and applaud the work that we are doing in Darfur and the Sudan. More needs to be done. At least 300,000 people are estimated to have died in Darfur in what has remained a largely neglected tragedy and genocide. Currently, more than 3.5 million Darfurians depend on international aid for survival. Another 2 million have been driven from their homes. The \$450 million in humanitarian relief efforts to the Sudan provided in this bill will help meet this rapidly growing need and lend credibility to American calls for other countries to follow our example.

I also applaud the legislation for the groundwork it does for vital improvements in global health and AIDS funding which also are very significant.

Again, I congratulate our Chair and our ranking member for their superb efforts.

□ 1430

Mrs. LOWEY. Mr. Chairman, I am very pleased to yield to the distinguished gentleman from Wisconsin (Mr. KIND) 1 minute.

Mr. KIND. Will the chairman be kind enough to yield me his 30 seconds?

Mr. KOLBE. If I am correct, I think I have 30 seconds remaining, and I will yield the balance of my time to the gentleman.

Mr. KIND. Thank you, Mr. Chairman, and I rise to enter into a colloquy with the chairman.

I rise to express appreciation for the very clear direction provided in the committee's report to the Agency for International Development with regard to the continuation of the East Central European Scholarship program in Albania and Macedonia. Over the last several years, I have become very familiar with this highly effective program because for more than a decade, the University of Wisconsin-La Crosse, through this program, has been able to provide training to some 300 financial managers from all the participating program countries.

The program has provided the managers training with bank risk manage-

ment, financial management, and supervision of financial institutions, all of which are critically important to stable market economies. This training has helped create financial sectors with improved protections against corrupt and fraudulent activities and has facilitated integration by these economies with the broader European economy.

As the chairman may be aware, however, USAID has not been responsive to the committee's views with regard to the program, as laid out in recent earlier reports. With that in mind, I would appreciate getting the chairman's assurance that the subcommittee will follow up on this excellent report language to impress upon the agency the seriousness of our congressional intent here.

Mr. KOLBE. I appreciate the gentleman from Wisconsin's comments and strong support for ECESP. We will have those discussions with USAID to emphasize the importance of continuing ECESP activities in Albania and Macedonia this fiscal year to shape future utilization of ECESP's expertise.

Mr. KIND. Thank you, Mr. Chairman, I appreciate that; and I, too, want to echo the sentiments and the appreciation for the gentleman's many years of fine service to this body, this institution.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have made this point several times before during the appropriations cycle, and I want to put Members on notice one more time. I think the record is pretty clear that the minority has cooperated at every step of the way on every appropriation bill before this House so far this year. We have facilitated time agreements, we have persuaded our own Members to stifle themselves and reduce the amount of time they take on amendments, we have asked numerous people not to introduce duplicative amendments, and we have, in general, worked as a willing partner with the majority to see to it that this House proceeds in an orderly fashion.

I have had only one requirement. I do not believe that major issues affecting the expenditure of taxpayers' dollars should be decided in the dead of night, and I do not believe that this House has any business voting on these major issues at 11, 12, or 1 o'clock in the morning. It is clear to me that that is what is going to happen on this bill.

I intend to support this bill, unless two amendments that are pending do

not pass. But if that happens, I intend to support this bill. But I do not believe that it serves the interests of this country to be passing this legislation or dealing with major amendments thereto in the midnight hours.

So I want to put every Member on notice. I am perfectly willing to agree to a unanimous consent agreement that enables us to get a substantial way through the consideration of this bill. I would love to see it finished tonight. If it can, by a reasonable hour, no one will be happier than I. But I do not intend to cooperate in a process which pushes all of these votes into 11, 12 or 1 o'clock votes.

We saw that on prescription drugs, we saw that on major tax bills, we have seen that on several appropriation bills last year, and I do not intend to allow that to continue without doing everything I can to prevent it. We can either proceed in an orderly fashion, in a way which is reflective positively on what is supposed to be the world's greatest deliberative body, or we can run a death march where we hide most of our major actions after midnight.

I don't intend to participate in the latter. I will be happier to cooperate in the former.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

H.R. 5522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$988,000, to remain available until September 30, 2008.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I won't take that much time, but let me just respond to the gentleman from Wisconsin and let me just say that he has been very cooperative, and I appreciate very much his cooperation in trying to work out some time limitations so that we could work our way through this bill in an orderly fashion, and hopefully in a timely fashion, and get everybody home at a reasonable hour.

With the number of amendments that we have, it does not appear that we can get any kind of a unanimous consent agreement that would allow us to finish the bill by the time that the gentleman has said that he would prefer us to be out and not considering major issues of appropriations of taxpayers' dollars after the hour of 10 o'clock at night.

So it is beyond my pay grade at this point to decide how we proceed, whether or not we do agree to a unanimous

consent agreement to have some limitation on the time of amendments and stop at a reasonable time tonight, or whether we simply plunge on through without any kind of agreement and get as far as we can tonight, which will certainly be much shorter, but we will not get nearly as far or nearly as fast.

So I am hoping the leadership, that is not on this floor at this time, will shortly be able to come back to us with some understanding of how we are going to proceed, and I hope we can just move on and do the reading, and we will get to amendments as we can here.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

PROGRAM ACCOUNT

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103-428, as amended, sections 1(a) and (b) of Public Law 103-428 shall remain in effect through October 1, 2007.

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, \$26,382,000, to remain available until September 30, 2010: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2025, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2007, 2008, 2009, and 2010: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed \$30,000 for official reception and representation expenses for members of the Board of Directors, \$75,234,000: *Provided*, That the Export-Import Bank may accept, and use, payment or serv-

ices provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2007.

AMENDMENT OFFERED BY MR. LYNCH

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LYNCH:

Page 4, line 10, after the dollar amount, insert the following: “(reduced by \$5,000,000)”.

Page 38, line 20, after the dollar amount, insert the following: “(increased by \$5,000,000)”.

Mr. KOLBE. Mr. Chairman, I am prepared to accept the amendment being offered by the gentleman from Massachusetts, if the gentleman would be prepared to proceed in that way.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes on his amendment.

Mr. LYNCH. First of all, Mr. Chairman, I want to thank Mr. KOLBE for his great work on this bill, and also Ranking Member LOWEY. I will not take the 5 minutes that I am allowed under the amendment process, but I do want to take a few minutes just to talk about what is going on here.

Mr. Chairman, the amendment that I have offered proposes to confront the related threats posed by improvised explosive devices, also known as IEDs, as well as land mines, which are being used against our men and women in uniform and against innocent civilians in both Afghanistan and Iraq.

My amendment seeks to accomplish this by dedicating \$5 million for the State Department account for non-proliferation, anti-terrorism, demining, and related programs. This \$5 million will be offset by shifting the same amount from the Export-Import Bank's administrative expense account, which is currently funded at \$72 million.

Mr. Chairman, like a lot of Members on both sides of the aisle, I have recently returned from my fifth visit to our troops in Iraq and I have also spent some time in Afghanistan. On all of my visits to the region, I have been accompanied by strong representation from both parties, and one issue that has emerged and has grown more lethal is the threat to our men and women in the military, to nongovernmental agencies, to coalition contractors, to the press, and to innocent Afghani and Iraqi citizens is the threat posed by these so-called improvised explosive devices, or IEDs.

While some IEDs are triggered remotely with basic electronics, such as portable phone stations or garage door openers, in many other cases, we are finding that these IEDs are being triggered by a simple contact strip concealed within a narrow section of split holes that is concealed in cracks in the

roadway or have been covered by a thin layer of dirt just below the surface of local roads. They can be detonated by pressure of a passing vehicle or with as little pressure as a child's footstep. These latter types of devices are much more similar in their nature and use to land mines.

Moreover, as time goes on and as the casualties grow, we are finding that many of the land mines previously planted by Saddam Hussein and the Taliban in Afghanistan have been recovered by the insurgents and are now being retrofitted to serve as components in these more lethal IEDs.

Like most of my colleagues, Republicans and Democrats, I have made more than a few visits to Walter Reed Army Medical Hospital. We have all seen the devastation and the damage and suffering that these IEDs have brought to the very best Americans and their families. In my last visit with General Casey in Baghdad, he estimated that approximately 50 percent of our monthly casualties in Iraq are the result of these IEDs. So the importance of what we are doing here, reducing these threats, should be obvious to everyone.

In closing, with today's news that Abu Musab al-Zarqawi has been eliminated and the last of the new Iraqi ministers has been selected, it is my greatest hope that we have now reached a point at which we can begin to transfer governing authority and responsibility to the new Iraqi government and to bring our troops home. But regardless of the rate of progress, these armaments will still remain a lethal threat to our troops and to innocent civilians. By transferring this money, this \$5 million, we can expedite the process of recovering and disposing of these lethal land mines and potential IEDs before additional life and limb is lost.

I do appreciate the courtesy that Chairman KOLBE and Ranking Member LOWEY have afforded me, and I am thankful that they have accepted this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MILLENDER-MCDONALD

Ms. MILLENDER-MCDONALD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. MILLENDER-MCDONALD:

Page 4, line 10, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Page 5, line 6, after the dollar amount, insert the following: “(reduced by \$1,000,000)”.

Page 19, line 22, after the dollar amount, insert the following: “(increased by \$2,000,000)”.

Mr. KOLBE. Mr. Chairman, I would just rise to say that I am prepared, if the gentlewoman will keep her remarks very short, to accept this amendment.

The CHAIRMAN. The Chair recognizes the gentlewoman from California for 5 minutes.

Ms. MILLENDER-McDONALD. I do recognize that. Thank you so much, Mr. Chairman. We will miss you sorely on this committee and the work that you have done, along with our distinguished ranking member.

Today I do offer this amendment that addresses one of the greatest atrocities of the 21st century, and that is the trafficking of men, women, and children for forced labor and sexual exploitation.

The Economic Support Fund operates to provide financial assistance for various developmental programs worldwide, including 266 programs to eradicate human trafficking. These programs are designed to present a multifaceted defense against the various and varied crimes that comprise human trafficking.

We know that this year the committee has provided \$8 million for the use of this program. That is a start, but it is less than what the President has suggested in the program. Of course, I am proposing a modest increase of \$2 million. This amendment offsets the increase by those things that have been outlined in the amendment.

It is not enough that we pay lip service to this problem, we actually have to lead the 21st Century Abolitionist Movement against modern day slavery. I am very happy to present this amendment. We know that human trafficking affects an estimated 800,000 persons each year, and 80 percent of those victims are women and children.

I am happy that the ranking member joined me on the trip to the United Nations to address these atrocities, and so I am so happy that the chairman and the ranking member have accepted this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

**OVERSEAS PRIVATE INVESTMENT
CORPORATION
NON-CREDIT ACCOUNT**

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed \$35,000) shall not exceed \$45,453,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, \$20,035,000, as authorized by section 234

of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2007, 2008, and 2009: *Provided further*, That funds so obligated in fiscal year 2007 remain available for disbursement through 2014; funds obligated in fiscal year 2008 remain available for disbursement through 2015; funds obligated in fiscal year 2009 remain available for disbursement through 2016: *Provided further*, That notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Non-Credit Account and merged with said account.

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, \$50,300,000, to remain available until September 30, 2008.

**TITLE II—BILATERAL ECONOMIC
ASSISTANCE**

**FUNDS APPROPRIATED TO THE
PRESIDENT**

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2007, unless otherwise specified herein, as follows:

**UNITED STATES AGENCY FOR
INTERNATIONAL DEVELOPMENT
CHILD SURVIVAL AND HEALTH PROGRAMS FUND
(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, \$1,565,613,000, to remain available until September 30, 2008: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed \$350,000, in addition to funds otherwise available for such purposes, may be used to monitor and pro-

vide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: \$356,400,000 for child survival and maternal health; \$25,000,000 for vulnerable children; \$346,621,000 for HIV/AIDS; \$287,592,000 for other infectious diseases; and \$350,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than \$200,000,000 shall be made available, notwithstanding any other provision of law, except for the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 (Public Law 108-25), for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds appropriated under this heading, may be made available for a United States contribution to The GAVI Fund, and up to \$6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contributions under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4)

the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

DEVELOPMENT ASSISTANCE

For necessary expenses to carry out the provisions of sections 103, 105, 106, and sections 251 through 255, and chapter 10 of part I of the Foreign Assistance Act of 1961, \$1,294,000,000, to remain available until September 30, 2008: *Provided*, That \$365,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than \$15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed \$42,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 may be made available for cooperative development programs

within the Office of Private and Voluntary Cooperation: *Provided further*, That not less than \$20,000,000 should be made available for rural water and sanitation projects in East Africa.

□ 1445

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

Mr. BLUMENAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BLUMENAUER:

In the item relating to "DEVELOPMENT ASSISTANCE", after the aggregate dollar amount, insert the following: "(increased by \$250,000,000)".

In the item relating to "FOREIGN MILITARY FINANCING PROGRAM", after the aggregate dollar amount, insert the following: "(reduced by \$250,000,000)".

Mr. BLUMENAUER. Mr. Chairman, the amendment I am offering today, along with Mr. LEACH from Iowa, the chairman of the International Relations Subcommittee on Asia, will increase the development assistance account by \$250 million in order to fund clean water and other anti-poverty programs. This increase will be offset by an equal amount of unearmarked funds in the military foreign financing account; and as such will not, and I want to emphasize this, will not impact the military aid to Israel, Egypt, Jordan, or Colombia.

Over the last few years, it has become increasingly clear to people of every political stripe that we live in an interconnected world. How people in other countries live affects how we are secured at home, whether we are impacted by diseases like avian flu that thrive in poverty, whether our economy grows and creates more and better jobs.

By investing in poor people around the world, we invest in global economic growth, the kind of thing that will have a clear effect on our own economic future. It is also helping responsible governments get stronger, offering their own people a better future, and a smart investment in our own security from terrorism to bird flu. The capacity of responsible governments to partner with the United States in tackling these shared challenges is critical to our security at home.

Across the world, people living in extreme poverty are working, are struggling to improve their lives; but a billion of them live on \$1 a day or less. It is critical that we expand our programs to help them in this work.

There is no doubt that the record of previous development efforts, including foreign aid, has been uneven; but the fact is we are getting better at it. We know what works. There is a global partnership that has emerged that does have a measurable, positive impact on growth in poor countries.

Thankfully, we now have the very best ideas of what kinds of steps are ef-

fective in providing the best returns in fighting poverty. The best tools, luckily, are simple: targeted programs to provide clean water, health care, improve agricultural productivity, and support good governance. This is not rocket science, as they say; but these are things that work.

Time and time again we have made commitments to fight against poverty, and we must now put those commitments into action.

In 2000, we joined with over 190 countries in committing to a series of ambitious targets called the Millennium Development Goals, including cutting in half the people living in extreme poverty by 2015. There are a series of other initiatives that have taken place to try and make sure that the rich countries of this world invest 0.7 percent of their gross national product in anti-poverty programs.

Currently, there is only one country in the world of the rich, developed countries that does less than we do in this regard. We spend less than 0.2 percent. It is time for us to live up to the commitments we have made. This amendment is a simple way to do it.

In fact, this is supported by people across this country. The Program on International Policy Attitudes at the University of Maryland found that two-thirds of the American public supports significant increases for our foreign assistance. It shows majorities of both Republicans and Democrats supporting increasing our investments.

Now, there are consequences for our lack of leadership. Mr. Chairman, every 15 seconds a child dies needlessly from waterborne disease. Half the people who are sick today around the world are sick needlessly because of a lack of fresh pure water and sanitation.

This is within our capacity to make a difference, and there is no great philosophical fault line. Indeed, Girl Scout troops, churches, synagogues, your local Rotary Club may well have been involved with these efforts; and they support these approaches and can do something about it.

This amendment would allow the House to decide if \$250 million is better served by investing in people through good governments, health and economic development, or selling more weapons around the world, often to countries with questionable human rights records.

The most recent year that I surveyed showed that half the money that we gave for military assistance went to countries that the State Department ruled were not democratic. I strongly urge the adoption of this amendment to be able to realize this bipartisan objective.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an example of the kind of amendment that we are going to hear a great deal about this afternoon and this evening. It is the kind of amendment that if the world were different, if we lived in a world

with unlimited resources, it would be wonderful to say "yes" to an amendment like this.

But, of course, we do not live in a world of unlimited resources. As described in general debate, the allocation for our bill is \$2.4 billion below the amount requested by the President, and certainly lower even than what all Members would like to see in the bill.

We have \$1.29 billion for development assistance. That is \$12 million above what the President requested. So in this particular area, despite the fact that we are \$2 billion below the President's request, we have actually exceeded the amount in this area. It is equal to the amount we provided in fiscal year 2006 once you adjust for the trade capacity funds that have been moved to the new account.

We have some very tough choices that we have to make in this bill, and yet we have provided at least steady funding levels for the Development Assistance Account.

Now, the difficult part of this amendment is where the money comes out of. The gentleman says it is more important to provide safe drinking water than it is to make military sales to other countries. I would agree with that statement certainly when it is phrased that way. But I think it is important, and the gentleman understands, that of the \$4 billion that we have in our bill for military assistance, foreign military financing, all but \$900 million is designated for countries. It is designated to Egypt, Israel, Jordan and some for Colombia, and a couple of other countries. But there is only \$900 million that is not designated.

The gentleman's amendment takes this money out of it, but does not touch the earmarks, of course; and so it comes out of that \$900 million that is left. What he is doing is taking the money away from a handful of countries which would absolutely decimate the handful of countries left. You would be talking about taking away the small amounts of money that we give to such countries as Armenia, the substantial amounts that we give to Pakistan, Turkey, the small amounts that we give to countries like Liberia and Ethiopia. All of it would come out of the funds that go to those countries, which money is important, very important in terms of their security, very important in terms of their international obligations. In many cases, it goes for things so those countries can meet their international obligations towards peacekeeping forces.

So the amendment is going to reduce funding out of 68 small country programs which would have to be cut by 50 percent or more in each of those cases in order to accommodate the gentleman's amendment. I think to do this would be absolutely irresponsible on the part of the House of Representatives, and we should not allow this to happen.

Let me conclude by saying what we have done on water programs in this

legislation. We have directed the U.S. Agency for International Development to provide not less than \$50 million from the development assistance accounts to build wells in rural areas and to secure water systems in urban areas of Africa and communities that lack access to fresh water.

In addition, we have language, bill language within the Development Assistance Account, that mandates \$20 million specifically for water programs in East Africa, and that of course is where we know the need is the very greatest.

These directives, these mandates, will double the fiscal year 2006 allocation for Africa in the Development Assistance Account. No one, certainly not the least of whom is me, doubts the need to provide clean, safe water for drinking around the world. I believe this bill as presented to the House helps us deliver on that promise.

Does it do everything we would like it to do? No. But in so many other areas, this bill so necessarily falls short, as do other appropriations bills.

This amendment is not the right way to proceed and the consequences for the small countries that rely importantly on our foreign military financing programs and are affected by this reduction would be absolutely drastic. I would urge my colleagues to defeat this well-meaning amendment, but with consequences that are quite dire to the effect of this bill.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in reluctant opposition to this amendment, and I associate myself with the remarks of Chairman KOLBE. I understand and support what the gentleman from Oregon seeks to accomplish; but I believe passage of this amendment would upset the delicate balance of funding we have achieved in this bill on a bipartisan basis.

It would also severely disrupt foreign military financing programs that are a key part of our overall national security strategy.

I was pleased that the fiscal year 2006 foreign operations bill included a \$200 million earmark for drinking water supply projects in the developing world, and I understand that USAID will indeed meet that earmark in this current fiscal year. As we have not reduced development assistance funding below the 2006 enacted level, and have not reduced disaster assistance significantly from the enacted level, I am confident this bill has room to at least meet the 2006 earmark for water supply projects.

As I said, the potential effect of the gentleman's amendment, and the chairman referred to that, would be to cut nearly in half the 68 unearmarked recipients of foreign military financing. So I am very concerned, but I hope to work with the chairman and the gentleman from Oregon in conference to ensure a high level of funding is earmarked for water supply projects.

In the meantime, I reluctantly urge my colleagues to oppose this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize that there are some problems associated with this amendment. And if it were adopted, I think there would have to be substantial rejiggering of the allocation to the subcommittee. But I just want to make an observation, nonetheless.

With the passage of the defense appropriations bill, we will have spent \$450 billion on the dumbest war since the War of 1812, that war being our involvement in Iraq.

The conferees on the supplemental two nights ago, despite the fact that there were two Senate votes and one House vote which put into that bill a declaration that the Congress was in opposition to creating permanent bases in Iraq, despite that fact, the conferees dropped all three of those.

□ 1500

So we are now in the position where the Congress of the United States will not even take a position that we don't want permanent bases in Iraq. Now, I know there are some people in this Chamber who don't want us to pull out immediately. There are a lot of people who don't want us to do that. But, certainly, the only other option isn't to stay there forever, but that is what is being implied if we accept these permanent bases in Iraq.

Imagine how our influence in the world would be transformed. Right now, since our invasion of Iraq, we are at an all time low in terms of American popularity in every region of the world. Imagine how our popularity would be transformed if we said that, instead of spending \$450 billion on a stupid war, imagine how the world would look at us if instead we said we were going to take 1/10 that amount and use it to make certain that every single one of God's creatures who we could reach in the next 10 years would finally have access to water that doesn't make them sick and doesn't make a lot of their kids die. America would be transformed, at least our image would be transformed, into actually living up to our Judeo-Christian principles. Wouldn't that be a shocker?

So I recognize that there are technical problems associated with the gentleman's amendment. But just because my heart moves me on that subject, I am going to vote for it. And if it means that somebody somewhere is not going to get all the weapons they have been planning on, isn't that too bad.

Mr. LEACH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment which Mr. BLUMENAUER and I are offering is a transfer amendment. \$250 million would be taken from the unearmarked section of the Military Assistance Account which exceeds the Development Assistance Account by approximately a three to one margin. These resources

would then be applied to clean water and other poverty alleviation programs.

In our interactions with the world, the U.S. basically only has two options. We can emphasize our capacities to project military might and be a global policeman, or we can emphasize our humanitarian concerns and be a global doctor or engineer. There are times that the policeman's role may be compelling, but I am hard pressed to think anything except that in the long run, American leadership in the 21st century will be judged on whether the United States chooses to be a super-humanitarian power rather than principally a military interventionist.

One of the myths of our time is that realism is about might. Actually, realism is about the human condition. It is the human condition that must be improved if national security is to be strengthened. Impoverished nations are breeding grounds for radicalism. Where there is no hope, there is nothing to lose. There is no restraint on violence.

Thus, the approach contained in this amendment is to address the daily concerns of the 3.7 billion people in the world who lack access to clean drinking water and adequate sanitation. These people are exposed to sicknesses like giardia, guinea worm, shistosomiasis, and diarrhea on a regular basis. Hundreds of millions of people, including one in every five children in the poorest countries of the world, die simply because there is no clean water.

Mr. Chairman, our priorities must be recalibrated. It may be true that the militaries of several poor countries will not be as advantaged, but the family of man will clearly benefit.

Mr. SWEENEY. Mr. Chairman, I move to strike the last word.

Let me start by saying as a member of the committee I really appreciate the work of the chairman and the ranking member. I know the very difficult choices that had to be made under an extremely tight budget and extremely tough year in making those decisions. And I rise in opposition to this amendment somewhat reluctantly because I agree with some of the prior speakers and the need to look at the priority of water and the needs of water throughout the Nation as a means of expanding United States influence in a very positive way. We do it in this bill; we do it as best we could in fitting in some of the other priorities they have.

And why I rise in opposition to this amendment is because of its effect. As has been pointed out already, it cuts everything, but from the designated funds, the earmarked funds. It cuts \$250 million that I think will critically imbalance United States relationships in some places. For example, it cuts from some of the African nations that I think desperately need the support that would be given in the MFM fund.

And as an Armenian American, I want to point specifically to the effect

it would have on Armenia and the fact that it would cut \$68 million in assistance, economic and border security assistance to Armenia, which I view in large part is in this bill in order to balance out some of the challenges that fledgling nation has with its neighbors in Turkey and Azerbaijan; and in part, in recognition, which we have failed in this Congress to do as of yet, and in this Nation, to recognize the Armenian genocide of the past century and its impact on that nation's history.

And so I want to salute the chairman and the ranking member for trying to find that delicate balance and striking it here in this bill. And while I applaud the sponsor of the amendment and his intentions and hope that we can work in future years to do even more as it relates to providing water, I think the impact of what this bill does in terms of offsetting those funds would have too detrimental an impact. Therefore, I would urge my colleagues to object.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I just want to clarify in my own mind. I heard Mr. KOLBE say that the effect of our amendment, there were about 900 million, if I heard him correctly, that was unallocated at this point. There is some report language in there that talks about where it might go.

According to the information I have, there is only \$7 million that has been identified in report language for Armenia and Azerbaijan, and there is over a quarter billion dollars that is completely undirected. So I am wondering where the \$70 million figure came from that you are citing here that our amendment would impact.

Mr. SWEENEY. Well, the amount for Armenia, as is being explained to me by the chairman, is about 7 percent. So if I said 7 million, then I misspoke out of MFM. But the total impact, as I understand it, of the taking of the 250, about 50 percent would be to lose the 68 million that was intended to be sent to Armenia for the border security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BLUMENAUER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

The Clerk will read.

The Clerk read as follows:

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, \$348,800,000, to remain available until expended, of which \$30,000,000 should be for famine prevention and relief.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 14, line 1, after the dollar amount, insert the following: "(increased by \$50,000,000)".

Page 19, line 22, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Page 20, line 3, after the dollar amount, insert the following: "(reduced by \$100,000,000)".

Page 32, line 7, after the dollar amount, insert the following: "(increased by \$50,000,000)".

Mr. OBEY. Mr. Chairman, I am offering this amendment on behalf of myself, the gentleman from Illinois (Mr. HYDE), the gentleman from California (Mr. LANTOS), and the gentleman from Texas (Mr. AL GREEN).

For some time, Mr. Chairman, I have been troubled by the repression of political freedom in Egypt and the lack of democratic reform. But in light of the historical role that Egypt has played in the region and the continuing stability that Egypt brings to an increasingly troubled region, I have appealed for patience and moderation in efforts to alter Egypt's aid package.

I chaired this subcommittee for 10 years, and during that time I was responsible for providing over \$20 billion in military and economic aid to Egypt. In the years since, I have helped to fend off amendments that sought to cut or restrict aid to Egypt.

Last year, during the Full Committee consideration of the bill, I offered an amendment that earmarked some of Egypt's economic aid for democracy purposes, a move that allowed Congress to fend off yet another attempt to restrict the military aid. But in offering that amendment, I gave notice to the government of Egypt that my patience, and the patience of the American people, was wearing thin, and I hoped and expected that the government of Egypt would get the hint and make some moves to loosen its grip on political freedom and democratic reforms.

Instead, I am sad to say, we have gotten backsliding on municipal elections, an extension of emergency laws, repression of judicial freedoms and a crackdown on demonstrations and rallies.

Most recently, we have seen the appellate court in Egypt reject the appeal of Ayman Nour, a political opponent of President Mubarak who was conveniently arrested just prior to last year's presidential elections.

Hundreds of demonstrators have been arrested and jailed in recent weeks, many of them young kids in their teens and 20s who have been beaten and bullied. Reporters have been roughed up and intimidated.

Just this week, the government of Egypt suspended the work of the International Republican Institute in Egypt after the IRI country director criticized in an interview the pace of reform as being too slow.

Now, I am not a naive peddler of global democracy. I am not preaching that we hold elections all across the Middle East and call it a day. I understand that the very free and fair elections in the West Bank in Gaza have resulted in a disastrous consequence for the peace process through the election of Hamas.

But I do fear that Egypt is heading toward a precipice. What is happening in Egypt, Mr. Chairman, is that the government is systematically fencing in and squeezing out its moderate opposition. And if they continue to do that, they are going to wind up with the only viable opposition being the Muslim Brotherhood, the most radical of the forces in the country. That will be disastrous for Mr. Mubarak. It will be disastrous for his government. It will be disastrous for the American people, and it will be disastrous for the entire region.

I consider myself a lifelong friend of Egypt, and I have taken a lot of heat on this floor through the years for taking a number of actions that supported Egypt and the rest of the Arab world, sometimes even when I differed with my friends who were supporting various provisions for Israel.

But it seems to me that if you are a friend of Egypt, you will try to make them understand that they are endangering their ability to have a peaceful transfer of power when Mr. Mubarak leaves office.

Now, I have met Mr. Mubarak's son. I understand that Mr. Mubarak would like to see his son succeed him. I am very impressed by his son. I happen to think he would probably be a good leader. But he is not going to get the chance for very long if the moderate opposition in that country is systematically jailed, beaten up and wiped out, because then you will have only the most radical extreme elements left.

So what we are doing in this amendment is to cut \$100 million out of the Economic Support Fund, and we are moving 50 million of that to help refugees in the Sudan, and we are moving another 50 million of it to provide increased funding for the President's HIV/AIDS initiative. I am not doing this out of anger at Egypt. I am doing this out of a deep and abiding concern for the future of that country.

I respect Egypt. I think the people of Egypt are a wonderful people. And I think that Mr. Mubarak has done many constructive things that have been in the interest of peace in the region and have helped promote our own national interests as well.

□ 1515

But I am speaking as a friend, and I am saying this Congress has an obligation to recognize the problem and to act before it is too late to salvage the situation.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do rise in opposition to this amendment, and I say so with

the greatest respect to my colleague DAVID OBEY. Often on this floor, we say things about each other and we say things because it is the oil that helps make this place move forward, but I do have the greatest respect for him and I believe he has been a great part of this institution, it has been a privilege to serve with him. We just differ on this amendment. We had a very good debate in the full Appropriations Committee on this, and I hope the debate this afternoon will be as constructive and as good as the debate that we had in the committee.

We both agree that Egypt should strive toward greater democracy and greater freedoms, and I believe the approach taken by this amendment is the wrong approach.

Mr. OBEY suggests that we would take \$100 million of funding in economic support funds from Egypt. The intent is to take these funds from the amounts that are designated as budget support for Egypt. These are the funds that are transferred to Egypt when it successfully completes certain financial sector reforms. In other words, we have put benchmarks in front and said the money can't be released until they meet these reforms. As they meet these reforms, the money is then released. This would then take the money away from that, reducing that incentive to make these kinds of reforms.

The funds that are targeted by this amendment support one of our strongest allies in this region. And I say that very carefully, one of our strategic partners, our very strong allies in this region, to help them meet the memorandum of understanding that we made in March of 2005 about these financial sector reforms.

Last month in the same kind of debate that we had in Committee, the Secretary of State said in a letter to the chairman of the Appropriations Committee, "Reducing U.S. assistance would seriously damage our partnership as well as the broader strategic interests of the United States." And she also went on to state, "We firmly believe the U.S. assistance to Egypt could continue at the full level requested by the administration, and ask your support for that request."

In the past, the ranking member Mr. OBEY has himself recognized this when he has stated on the floor his support for the funding for Egypt. Now, I recognize and he could argue quite correctly, times have changed, there are different things that have happened, and he could say this is a different source of funds perhaps from it. But nonetheless, he himself has recognized the importance of Egypt as an ally.

While it is sometimes important to dispense tough love by withholding or eliminating funds, we also have to ensure that Egypt remains allied with the United States as a leading moderate nation within the Middle East. And I believe that, in this case, any attempt to pressure Egypt into hastening its transition to democracy could push

this country away from the United States and allow another foreign power to gain a foothold in the region that could be very detrimental not only to our interests, but to the interest of peace in the region. This certainly would not be good for any of us.

Mr. Chairman, the bill that is before us today already has a \$200 million rescission in funds for Egypt in the economic support fund. So for those who want to make this claim, the bill already has sent a signal to the Egyptians, and I think this amendment just simply piles on. It is overkill, in my opinion.

As in the programs that would receive funds with the Obey amendment, he would put some of it to the global HIV/AIDS initiative. I don't believe that anybody could claim that we have not supported this program or provided all the funds that could reasonably and effectively be spent. In fact, this bill has a total of \$3.4 billion for HIV/AIDS programs. The President's request, \$750 million increase over the 2006 level, this is the largest increase in this bill, and that demonstrates how much I think all of us on this committee and in this body care about fighting the HIV/AIDS. To increase it by another \$50 million is simply not necessary and doesn't do anything more to meet in any way, certainly not as much as it detracts from the strategic interests that we have in Egypt.

The second area is in the international disaster and famine assistance, and this is a contingency count for uses when disaster strikes. In this bill there is a total of \$348 million, again, the President's request for this account. The supplemental that 2 days ago was considered by the House and Senate conferees includes an additional \$161 million for IDFA to accommodate emergencies that have recently arisen. We have done what I think is the responsible thing in this bill.

Mr. Chairman, I urge my colleagues to vote against the Obey-Lantos amendment.

Mr. LANTOS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my friend and colleague Chairman HYDE and I are strong friends of Egypt and we are proud cosponsors of this amendment. We are sponsors of this amendment because we are fed up with an Egyptian government that has received well over \$50 billion from United States taxpayers in the past quarter century, yet it will not treat its citizens with dignity and respect. We are fed up with an Egypt that suppresses dissent, an Egypt that suffocates the secular liberal opposition, throws its leaders in jail on trumped-up charges, an Egypt that takes out its wrath on a man called Ayman Nour, who finished a distant second in President Mubarak's landslide victory last year. I am sickened, Mr. Chairman, that Mr. Nour is likely to spend the next 5 years of his life behind bars on transparently manufactured charges when we know his only

real crime was having the temerity to wage a political campaign against Mr. Mubarak.

We are fed up with and are not fooled by an Egyptian government that stages parliamentary elections, but prevents voters from reaching the polls. We are fed up with an Egyptian government that punishes judges who merely want to insist on judicial independence and ignores its promises to end emergency law and instead extends it. We are fed up with and deeply disappointed in an Egyptian government that suspended the activities of the International Republican Institute in Egypt simply because the local director criticized the pace of reform in Egypt.

We are fed up with an Egypt that is one of the leaders among the so-called group of 77 who are working hard to derail the critical United Nations reforms proposed by Kofi Annan, the Secretary General, which have bipartisan and strong support here in this Congress.

We are fed up with an Egypt that has nearly 500,000 active duty troops in its military, yet can do nothing in the international effort in Afghanistan.

We are fed up with an Egypt whose peace with Israel remains frigid, far colder than it ought to be, as we approach the 27th anniversary of the peace treaty.

Mr. Chairman, I do not denigrate the importance of our alliance with Egypt and I deeply appreciate the importance of the Israeli-Egyptian peace. But I do feel that we deserve more, much more for our generosity than the laundry list of problems I have only partially described.

I want the United States to maintain the strongest possible relations with Egypt. As you know, Chairman HYDE and I have made efforts in the past to communicate this to Egypt in clear and unmistakable legislative language.

The approach in our amendment is not precisely the approach I would have championed. Nevertheless, I consider it absolutely critical that President Mubarak understand the deep dissatisfaction here with the course of events in Egypt, particularly regarding the decline of human rights and personal freedoms.

It is also critical that the Egyptian people understand that we are taking this action in support of those moderate political parties, human rights advocates and independent judges who are supporting change in Egypt.

I believe this amendment sends a message to President Mubarak and to the Egyptian people in a manner that is loud, clear, friendly and measured. I urge all of my colleagues to join me in supporting this amendment, communicating our deep disappointment in our ally Egypt, and boosting simultaneously the underfunded and critical causes of the tragedy in Darfur and fighting HIV/AIDS globally.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise on behalf of and in support of the amendment offered by

Mr. OBEY, Mr. HYDE, Mr. LANTOS and Mr. GREEN, and I associate myself with the remarks of Mr. OBEY and Mr. LANTOS.

I believe the alliance between ourselves and Egypt is an important one. I believe that Egypt has played an important role, not as expansive a role as I would have wanted, but an important role in the Middle East.

Mr. Chairman, in his inaugural address President Bush stated, "It is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in the world."

Mr. Chairman, I agree with this unambiguous statement in support of democracy and freedom, and I believe Members on both sides of the aisle agree with it as well. In fact, it is the reiteration of the policy that has guided our Nation from Wilson to Roosevelt, to Truman to Kennedy, to the present day.

Yet today, Mr. Chairman, one of our Nation's key allies in the Middle East, our friend Egypt, has taken demonstrable steps that raise troubling questions about its commitment to democracy.

Mr. Chairman, I will give examples. Multiparty presidential elections in 2005, as has been stated, were marred by allegations of fraud, voter suppression and intimidation. The leading opposition candidate, Ayman Nour, was arrested and sentenced to 5 years in prison, prompting the State Department to comment, "The Egyptian government's handling of this case represents both a miscarriage of justice by international standards and a setback for the democratic aspirations of the Egyptian people."

In Egypt, judges who protested the election have been disciplined. More than 600 pro-democracy activists have been arrested, and members of the foreign and Egyptian press have been harassed and intimidated.

Let me add, Mr. Chairman, it troubles me that last year, Egypt voted with the United States of America on contested votes of importance only 8.9 percent of the time. Let me reiterate that. A country to whom we have given \$67 billion since Camp David, voted with us in important votes 8.9 percent of the time.

Thus, today, Mr. Chairman, I believe this amendment gives us a clear choice: We can continue to turn a blind eye to the undemocratic behavior of the Egyptian government, which will receive \$1.8 billion in military and economic assistance through this foreign operations bill; or, alternatively, through the adoption of this amendment, we can send a message to our friend that the United States of America does not approve of its undemocratic activities, and, indeed, believes those are inimical to Egypt itself. We expect Egypt to abide by its commitments on democracy, human rights and the rule of law.

The Secretary of State's letter has been referred to by the chairman of the subcommittee. I have read that letter, Mr. Chairman. It sets forth many things that Egypt has done which have had a positive effect on stability in the Middle East.

Mr. Chairman, in my opinion, those actions were in Egypt's best interests.

□ 1530

They did not do that for the United States. They did it to create stability in the region in which they live. I congratulate them for that. But they did not do it because we gave them aid, assistance.

The bipartisan amendment that has been offered, quite simply, would cut \$100 million, as has been said, in economic assistance for Egypt. Like Mr. LANTOS, that would not be my choice, but that is the choice of this amendment. Instead, it increases funding for disaster assistance for refugees in Darfur, one of the crisis regions of the world today. In addition, it increases the President's Global HIV/AIDS Initiative by an additional \$50 million.

At a time when this Nation has committed itself to promoting democracy throughout the Middle East, we have, it seems to me, a responsibility to expect that the most populous country in the region meets its democratic commitments.

Mr. Chairman, I urge support of this amendment.

Mr. WICKER. I move to strike the requisite number of words.

Mr. Chairman, my colleagues, I rise in opposition to the amendment and urge my colleagues for a strong vote against this ill-advised initiative.

In debate on the House floor some 2 years ago, some of the advocates of this amendment today rose and very eloquently spoke basically on the other side of the argument, saying that this would be ill advised, it would be unilateral action against a friend of ours.

I thought those remarks were correct at the time. And I am disappointed that some of the advocates of this amendment have changed their minds over 2 years' time. What has happened in 2 years?

Well, one thing that has happened is they have had a presidential election in Egypt which has represented progress. Now, we were not happy with everything that happened with the parliamentary elections, and it was not exactly a perfect presidential election in Egypt. But they had multiple parties, they had an open process. And I think almost every person who watched this on the international stage said it represented progress. So what has happened between 2004 and now is actual progress in Egypt. I commend them for that. But let's talk about why we have this bill at all. I meant to get down here for general debate to discuss this. We do foreign assistance for altruistic reasons, certainly for humanitarian reasons, of course. But the main reason we do foreign assistance is we

do it in the American national interest. This bill is a very important part of our national security package. And let me tell you about the national interest. Those of you who have been to the Middle East know that we do not have a lot of friends over there. But one friend we have in that area is Egypt. Since Nasser kicked the Soviets out, since Sadat helped with Camp David, with the beginnings of that Arab-Israeli peace process up until today, Egypt has been our strategic friend and our strategic partner.

Talk about national interests: When we went in with Operation Iraqi Freedom, some of our allies, Turkey, for example, would not let us through. How much trouble did that cause us, because we were not able to go into Iraq through Turkey?

By contrast, Egypt has allowed us to use the Suez for that purpose. They have allowed us continuous overflights. And just recently, they have been instrumental in helping with the unilateral Israeli withdrawal from the Gaza. They have helped us when it counted.

How many American soldiers are alive today because Egypt was our friend in Operation Iraqi Freedom? How many billions of dollars have we saved for the American taxpayers because Egypt has been our friend?

An amendment that was stronger than this was offered in the Appropriations Committee, and it was rejected overwhelmingly on a bipartisan basis. The authors of this amendment have attempted to soften it here on the floor. And one of the things that they have tried to do is take the money from Egypt and give it to programs that we all like—AIDS in Africa, Darfur, things of that nature. It is hard to resist. It sounds good.

But my friends, these people in Egypt have stood by us in a tough, tough neighborhood. And I do not think this amendment is the sort of thing we do to our friends. It might make us feel good, but it is terrible foreign policy, and I believe the House of Representatives will reject this amendment.

Ms. KILPATRICK of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, Members and the world, this is a very important amendment, and we must pay particular attention to it. The Middle East is in turmoil. We are threatened on every side of the Middle East. Sometimes we do not respect the culture. Sometimes we do not respect the religion. Sometimes we do not respect the people for what has happened to this country and terrorism around the world.

But I want for a minute for you to just take a moment and think how important this amendment would be and the signal it would send to our strongest ally in the Middle East. We have had a wonderful relationship with Egypt over the last 30 years. Over 75 million Egyptians, with some of the other countries, Syria, Jordan, Saudi, some of them 7 million, some 10 mil-

lion, some 12, this is 75 million Egyptians who live in our country today and who live in the Middle East.

Mr. Chairman, it is the wrong signal to send at a time when the Middle East is in turmoil. Leadership is what they must have. And I contend to you that President Mubarak and his administration is the best friend that we have in the Middle East. I am recently returned from the World Economic Forum in Egypt on the Middle East, where countries from that region came together.

We met with them, a good delegation of us. And we interacted with them for the 2, 3 days of that summit. They want to be good neighbors. And what I am here to tell you is that Egypt, with the President and his administration, is leading the effort to make sure that our relationship with them and theirs with the rest of the Middle East is one that is important, that is stabilized, and that it is secure.

Egypt is a critical partner of the U.S. in the Middle East. Egypt is an honest broker with the Palestinians on its issues and on our issues. Egypt is the main protector of Israel, and we need that communication, we need that cooperation. Egypt supports us in the Gaza and the Egyptian border.

Egypt has sent 800 peacekeepers to the Sudan. Egypt also participates in joint exercises with our military. They buy our U.S. military equipment. This is not the time to punish them. No, they are not a democracy like we have. This is the best country in the world. Our democracy is second to none.

But do we penalize our neighbors, sovereign nations, because they are not like us? President Mubarak in the last 12 months has issued many decrees and is about changing how they believe and what they believe in Egypt.

As a result of that, Egypt has seen three bombings, had not seen any in over 10, 15, 20 years. Because it is hard to change from one way of governing, and then come to another. You have people in Egypt rising up against the president and against us too.

It is not time now. The timing is not good for the U.S. to back away from our relationship with Egypt as we help to stabilize that part of the world and remain partners with our country.

Is it possible that some things might not be right? Yes. I would be the first to say that. Are they working to make it better? Yes, they are. Israel needs a strong Egypt. The U.S. needs a strong Egypt. So I implore my colleagues, and I hate to rise any time against my ranking member. I feel so passionately about this that I implore my colleagues to look at what is happening in the world, look at us as our Nation, we are a great Nation, second to none.

Let us not forfeit our partnership with our friends that will destabilize our own country. There was a great act in the Middle East overnight, when one of the terrorists was captured, not only captured but further than that. Do we throw all of that for naught, or do we

try to live in a world community where we can live together as brothers and sisters from different nationalities and ethnicities? I contend that Egypt is key in that and that we must continue.

It is not about the money, I must say as I take my seat. The cost of military assistance is phenomenal. The amount that this will deduct from that, it is not about the money; it is about the good will and the partnership.

Hundreds of millions of dollars are being spent for our own security. I contend that Egypt is a partner with us, and we should maintain that bipartisanship, for it is they and us and nations of good will like us that will determine what kind of world your grandchildren will live in. Vote "no" on the amendment.

Mr. PRICE of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Obey amendment, although I have great respect for what my colleague is trying to achieve.

What we are hearing in this debate is two narratives, both of which are important. In the first narrative, we hear that Egypt's progress toward democratic reform has been far too slow with far too many setbacks; and, my colleagues, that is true.

The Egyptian Government persists in imprisoning political opponents like Ayman Noor. I could add Professor Saad Ibrahim to that list. I worked for several years with colleagues to urge the Egyptian Government to free Mr. Ibrahim, director of an organization in Cairo that promoted democracy and was critical of President Mubarak's leadership.

Thankfully, Mr. Ibrahim has now been released, but the pattern of imprisoning dissenters continues. These are very real concerns, and I hope the Egyptian Government hears the debate in this Chamber today as a strong alarm signal regarding Egypt's slow pace of progress.

However, there is a second narrative that is equally compelling. Egypt is one of our most important allies in a troubled region. It has contributed greatly to many efforts critical to our national security, including supporting efforts to stabilize and rebuild Afghanistan; training Iraqi police and troops; helping ensure an orderly withdrawal of Israeli forces from Gaza, including the sending of 750 troops to the Sinai-Gaza border; and policing the Rafah border crossing between Egypt and the Palestinian territories.

Perhaps most important now, Mr. Chairman, is Egypt's role as a mediator in the Israeli-Palestinian conflict. Egyptian leaders like General Suleiman have intervened in discussions and negotiations when the U.S. simply cannot do so.

Just this morning, USA Today reported that Egypt had mediated between Fatah and Hamas to secure an agreement under which Hamas will withdraw its 3,000-person militia from

Gaza and allow it to be folded into the Palestinian security forces.

Egyptian leaders have intervened on several other notable occasions. In an effort to prevent Fatah's disorganization from enabling a Hamas victory in Palestinian elections, General Suleiman worked with Abu Mazen in December 2005 to try to mediate between splinter parties.

In December 2004, during a period of heavy attacks against Israel, General Suleiman initiated a dialogue with Hamas and the Islamic jihad and other Palestinian militant groups to seek an end to the attacks.

Mr. Chairman, we are facing a critical period in the Middle East. The political crisis caused by Hamas's victory makes Egyptian mediation more, not less, critical. That is decisive for me. It is a time to build on this second narrative, not to deliver an irresponsible poke in the eye to a critical player at a critical time.

Let me say a few words about the supposed beneficiaries of this amendment. Mr. OBEY has cleverly crafted the amendment to distract attention from the cuts to Egypt by directing the money to two causes that many of us believe are of the highest importance, stopping genocide in Darfur and stemming the spread of HIV/AIDS.

□ 1545

I strongly support both of these priorities and would support added funding in this bill for them. However, this amendment does a disservice to those priorities by making them pawns in a political game that is about our support for Egypt, not for support for AIDS and Darfur. I hope we can add funding for efforts to address the AIDS pandemic and the genocide in Darfur, but this amendment is not the responsible way to do it.

Let us not lose sight of the millions of people in the Middle East who are depending on our leadership and our ability to work with Egypt to achieve peace in their troubled region. That is the priority of which we must not lose sight. I urge my colleagues to oppose the Obey amendment.

Mr. ROTHMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what if a member of your family were heading in a direction that was going to cause that person irrevocable harm, a member of your family? Would you stand by and say nothing? Someone you love. Or would you get their attention however you could as subtly as possible but if subtlety does not work then with a little more oomph to get their attention, to get them to change direction because they are going in a destructive direction?

That is what the Obey amendment is about. It is about our friend Egypt, a member of our family, if you will, going in the wrong direction. A friend who we have committed more than \$67 billion to, delivered it to them. They have done wonderful things for our na-

tional security as well. We are great and good friends, Egypt and the United States, but our friend Egypt is headed in the wrong direction.

Just this past year, President Mubarak's leading opposition candidate for president was put in jail. Emergency laws which suspend democracy and the rule of law are still in effect. Independent judges have been disciplined for not following in lockstep with what the government says is their agenda. Freedom of the press has been weakened. And just this week, the International Republican Institute, a democracy building program in Egypt that is also funded by our Appropriations Committee, was suspended for criticizing the slow pace of reforms in Egypt.

People around the world, countries around the world, Mr. Chairman, have no hesitation telling us in America when we are moving in the wrong direction. Even in a time of war, other countries who are our friends say, America, you should not do that. You are going in the wrong direction. Well, that is what the Obey amendment does. It says to our friends in Egypt, please, we have tried every subtle way to get your attention, it has not succeeded. We are going to try to get your attention now with this \$100 million transfer to two very worthy purposes, by the way, HIV/AIDS relief in Africa and \$50 million for Darfur, clearly places where this money will be put to better effect.

Now, again, I view the Egyptian people as honorable and great people, great friends of the United States. I heard somewhere that that somebody said Egypt is defending Israel. By the way, Israel is America's greatest ally in the Middle East by far and votes with American more than any other country. Egypt unfortunately only votes with us 8 percent. Israel votes with America over 90 percent of the time at the U.N. Israel takes care of itself.

But, Mr. Chairman, we need to send a message to our friend, Egypt, to finally make these changes and show progress this coming year in the rule of law, in respect for democracy and human rights. I support the Obey amendment.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment and would like to say, first, that I understand that simply by having this debate here today, I think we are sending the appropriate message that needs to be sent to Egypt. And I would point out that already in the bill we rescind \$200 million in aid to Egypt, and I think that this particular amendment would be much more punitive than is requisite and needed.

The United States needs to strive to bring reforms to Egypt. We all agree on that. But this is not tough love. This is going over the top in my estimation, and would cause damage for many years in the future if it were to pass. Reducing U.S. aid to Egypt at this

time would also be strategically not a good move for the United States. Egypt has facilitated expeditious transit of hundreds of U.S. warships and thousands of U.S. aircraft through the Suez Canal and Egyptian air space since the start of Operation Enduring Freedom and Iraqi freedom.

Egypt has been a close partner. Many of my colleagues before have spoken about that relationship and what it means to the region at such a critical team. So I would urge my colleagues to oppose this amendment because I think it goes just too far.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Arizona.

Mr. KOLBE. I thank the gentleman for yielding. I want to correct some statements that were made by previous speakers with regard to the International Republican Institute having been denied the ability to operate in Egypt. I have the privilege of serving on the board of the IRI, and I did speak yesterday to the president of the IRI.

There has been some disagreement, some misunderstanding, I think, really in terms of the registration process for the IRI in Egypt, but it is the belief of the President of the IRI that this is going to be worked out very shortly. But we do not believe it will, in any way, affect the programs of IRI in Egypt.

So I think he would agree, and certainly I would suggest to you that \$100 million whack at Egypt over the slowness of registering an organization, an NGO that has engaged in democracy building, is a little bit of an overkill.

That leads me to my larger point, and this has been a bipartisan debate, and we have seen speakers here on both sides of the aisle speaking against this amendment and appreciate my colleagues who have come to the floor to make the points about how important Egypt is as a strategic partner.

That is the bottom line here. Egypt is a strategic partner. Egypt is a country that is in transition as we speak. Everybody knows that we are moving on to a post-Mubarak age. The question is, where do we want to be 10 years from now? Where do we want Egypt to be? Where do we want to be with regard to our relationship with Egypt. I would suggest to you that Egypt which has been since 1979, with the Camp David Accord, the key part of our strategic effort to achieve peace in the Middle East, that this would not be the time, this would not be the way to achieve that, to continue on that path by kicking sand in the face of Egypt.

This is not the right move, Mr. Chairman. This is not the way to go about this. We need to continue this strategic partnership. We need to continue to say to Egypt, we do expect you to reform. We do expect these kinds of political reforms to be made. We will work with you and we will stand with you and we will stand with the people of Egypt to make these reforms. And

we are glad that you have moved towards the multi-party presidential election. We are glad some of these things are happening. We expect more to be done, but we are not going to achieve that if we do not continue the partnership. If we jerk the rug out from under them, if we take away that partnership, we can hardly expect that to continue.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from Wisconsin.

Mr. OBEY. Last year, I said virtually everything that my good friend is now saying today. The problem is that in the last year they have jailed their main opponents, they have beaten up people who are defending an independent judiciary, they have imposed another round of martial law, and they have continued the very things that are totally opposed to our values.

Now, to me the issue is not whether Egypt is a good friend and a good ally. They obviously are. The question is: Are they going to be around to continue to be that. If they do not change the way they are behaving, they are not going to be succeeded by a moderate government. They are systematically alienating every moderate group in that society, and you are going to wind up with the Muslim Brotherhood running that country unless they wake up before it is too late.

Mr. SWEENEY. Reclaiming my time, let me conclude by saying that I agree the purposes of this amendment are quite noble and that we as a body and as an institution should be promoting the ideas of reform and we should be intolerant and frustrated, but this amendment goes too far. And we have already taken steps and the mere fact we are having this debate I believe reinforces that message. I urge my colleagues to oppose this amendment.

Mr. ACKERMAN. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the Obey-Hyde-Lantos amendment.

Mr. Chairman, in years past on this floor and in committee I have noted Egypt's central role in the Middle East peace efforts and that without those efforts we would have been even further away from peace than we are. That is, I believe, still true today. And clearly Egypt played an important part of Israel's successful disengagement from Gaza last year, but as central as the Egyptian role in the Israeli-Palestinian conflict is and as helpful as Egypt has been with ship transits through the Suez and flights over the Suez Canal in support of our efforts in Iraq, in regional peace and security, is not the only agenda that we have with Egypt.

President Bush has called for democratic transformation as a response to the rise of Islamic extremists in the Arab world. In Egypt, the response to that call has been decidedly mixed. Clearly, last year's presidential elections which for the first time featured more than one candidate on the ballot

were a departure from the past practice of an up or down vote on President Mubarak and were a positive step forward. However, the Egyptian parliamentary elections in December were marred with violence, voter intimidation and allegations of fraud as the ruling party sought to hold not just its majority in the assembly but its overwhelming majority.

While some will point out that a large number of opposition candidates who want seats, the real concern is that so many of them are affiliated with the Muslim brotherhood. No doubt the Egyptian government will look at these results and say again that political reform must proceed slowly.

I would argue that these results are of the government's own making. It is not democratic reform that produced these results, but the lack of political space for legitimate secular parties to function within Egyptian society. By denying that space, by arresting judges and journalists, by prosecuting legitimate opposition political leaders, by beating demonstrators, by extending the emergency law, the government of Egypt makes more likely the political result that they most fear, a future government of Egypt dominated by radical Islamists.

The choice we have today is to do nothing and hope that with more dialogue and a little more cajoling, that we can get President Mubarak to continue on the path to reform or we can send a clear message that even appreciating how helpful Egypt is on the regional peace and security issues, the Congress will not stand silently by as government thugs beat peaceful demonstrators in the streets of Cairo and with their fists extinguish the hope of a truly moderate, secular democratic future for Egypt.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman. We were just told this amendment goes too far. The fact is the State Department made phone calls to a number of people here yesterday indicating they would be willing to support this amendment. The only difference was that they wanted \$50 million going to added democratization programs rather than going to AIDS. That was the only difference, because the State Department is getting fed up with the conduct that Egypt is demonstrating, and the State Department recognizes that this is a very dangerous slippery slope the Egyptian government is on.

So some may think this amendment goes far, but based on these conversations yesterday, the State Department is not one of them.

Mr. ACKERMAN. Mr. Chairman, I do not think we should regard this as punitive. We should regard this as a signal coming from a friend. Mr. OBEY, I think as a lifelong friend of Egypt as am I, would probably as ranking mem-

ber, or perhaps as chairman, would be the first person to rush to the floor to restore those funds and then some, should Egypt understand this message and rectify its ways and move in a direction that is within its own interests.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in support of the Obey amendment and I want my colleagues to know that the decision to support this amendment has not been an easy one for me. I support it out of a deep sense of disappointment and unease with recent actions taken by the Egyptian government.

I returned from Egypt with many of the members of the committee just a couple of weeks ago. Our brief visit there was filled with candid meetings with key Egyptian officials. We heard about Egypt's support for the Darfur peace process, its pledges of support for a U.N. peacekeeping force.

□ 1600

We heard the fears of Egyptian officials about the prominence of the Muslim Brotherhood, the threats to Egyptian society and industry from terrorism, and that what happened in the Palestinian elections with Hamas could happen to them.

We also heard about the great strides Egypt has made on economic reforms and the difficult reforms still ahead, and we heard about Egypt's cooperation on the Middle East peace process and Israel's withdrawal from Gaza and on ensuring speedy passage for U.S. military vessels through the Suez Canal.

However, in recent weeks and months, we heard other stories as well, of thousands of riot police being deployed to crush peaceful demonstrations by supporters of judicial independence, of judges being punished for publicly saying that past elections have been rife with fraud, of efforts to quash moderate opposition parties, including through the prosecution, brutal physical abuse and lengthy incarceration of an opposition candidate, of the extension of the sweeping emergency law despite explicit statements that it would not be removed and, most recently, of the termination of democracy-building projects under the auspices of the International Republican Institute simply because IRI's Cairo director criticized the slow pace of Egyptian reform.

I have such great respect for the chairman and am delighted that he had conversations with the IRI as a board member, and I do hope that there has been a misinterpretation of the public information with that issue, and I do hope it can be straightened out.

I am concerned about these developments, and I just finally came to the conclusion that the U.S. has an obligation to speak out; and to those who say that Egypt is a close ally of the United States and we should deal with these

issues in private, I believe that we are a close ally, we will remain a close ally. We understand how important the United States-Egyptian relationship is, but I would say that we have dealt with them in private, countless times; but the Mubarak government refuses to acknowledge our messages.

We, as members of the committee, delivered those messages in person. We understand that Egypt is a close, essential, strategic ally which is precisely why we tried to deliver those messages quietly, in private. It did not work. The reports kept appearing. The pictures on CNN when we were even in Egypt kept appearing.

Since 1979, Egypt has received more than \$60 billion in military and economic aid from the United States, and I have supported it every time I had the opportunity to vote for that, understanding the importance of Egypt in that very difficult region of the world. This is proof enough of the importance of Egypt's continued strength, stability, and friendship to the United States.

The Obey amendment is not about devaluing that relationship or causing instability. It is, rather, a strong, unequivocal message that only a friend can deliver, that the way in which the government of Egypt currently approaches its moderate political opposition is simply inexcusable; and for this reason, I do urge my colleagues to support the Obey amendment.

Mr. WICKER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I accompanied the gentlewoman on the delegation to Egypt. Will she acknowledge that we met with Mr. Mubarak, Jr., and that he outlined a roadmap for further constitutional democratization in Egypt that is a positive step and that the gentlewoman was impressed with that? Would she acknowledge that?

Mrs. LOWEY. Mr. Chairman, reclaiming my time, may I respond to my colleague, I feel strongly that I am not going to tell Mr. Mubarak or his son, with whom we were very impressed, I am not going to tell them whether they should democratize in 1 year, 2 years or 3 years.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 2 additional minutes.)

Mrs. LOWEY. Mr. Chairman, in response to my good friend Mr. WICKER, as you well know, we had some very, very solid, powerful dialogue with both President Mubarak and his very impressive son, and we both felt that his words were very strong, very optimistic about the future of the continuance of our relationship and the importance of their role in that region.

I am not even suggesting to my good friend Mr. WICKER that we should tell

them they should democratize in 2 years or 3 years. They are living in a tough neighborhood, and they are taking actions that they may think are appropriate in their move towards democratization.

However, I happen to believe, from the bottom of my heart, that those pictures on the camera of 10,000 riot police beating people over the head or the jailing of political opposition for 5 years on forgery charges, and I know we heard that he was not a very good, upstanding citizen, I believe that, however, I am taking this action because of the behavior which I think is inexcusable and because I have confidence that they will continue to move towards the path of democracy.

So I am taking this action not because I am commenting on their slow move towards democracy, but because of the actions that they have taken that I think are inexcusable and, in my judgment, would be problematic if you are moving towards democratic reform.

Mr. WICKER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, will the gentlewoman agree that if this Obey amendment passes today, the headline tomorrow in Egypt would be that the United States House has taken a slap at our allies in Egypt and that it might make it harder for moderates in Egypt to continue down that path?

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has again expired.

(By unanimous consent, Mrs. LOWEY was allowed to proceed for 1 additional minute.)

Mrs. LOWEY. Mr. Chairman, I would hope the headline would emphasize the over \$1 billion that we are providing in assistance to Egypt because we acknowledge the very critical role in that region: the critical role they are playing in Darfur; the critical role they are playing in the peace process. And I have confidence that that relationship is so strong that we will continue to work together to make sure that someday, in our lifetime, we will see peace in that region of the world and hopefully it will be based on democratic principles.

I thank my good colleague for your very thoughtful question.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one could not help but appreciate the debate that has been carried on this afternoon and particularly the remarks of concern about Egypt's democratization; and, certainly, the gentleman from Wisconsin and the gentlemen from California and Illinois are individuals that I respect, but I rise this afternoon to again emphasize key elements that we cannot change.

In a letter from Secretary Rice dated the 24th to the chairman of the Appropriations Committee, she said let me

first state that our strategic partnership with Egypt is a cornerstone, a cornerstone, of U.S. policy in the Middle East, and the partnership that would continue would be in the U.S. interests.

So although I recognize that this is to, if you will, to say to Egypt that all is not well, I would simply say to my colleagues that this is too important a relationship to create the kind of atmosphere or tone that would say that the alliance between Egypt and the United States has been broken and forever broken.

A few weeks ago, some of us took our passion and our belief to the Sudanese embassy and were arrested, and so of course I have a sense of passion and concern for the dollars that would go to Sudan. But do we realize that Egypt is the first Arab country to support the peace agreement with Darfur that was reached between the government of Sudan and the rebels; that Egypt committed itself to participate in the international forces and post-war reconstruction of Darfur; that just recently Egypt has convinced the government of Khartoum to accept the international peace forces; and that Egypt has increased its participation in the African Union peacekeeping; and that they will welcome the sick and injured from Darfur, including the rebels? They have worked on behalf of this peace agreement.

And then I might say to you that based on mutual agreement between Egypt and the U.S., the ES fund that was allocated is already \$40 million less than fiscal year 2006. We have already cut them more than half of the level, cut half of the level of 1998, and particularly this ES fund is targeted for democracy and education. The very complaint that we have will be undermined by the Obey amendment.

I would also say to you that in Secretary Rice's letter she said again reducing the U.S. assistance would seriously damage our partnership, as well as the broader strategic interests of the United States. Accordingly, we firmly believe, the State Department, that the U.S. assistance to Egypt should continue at the full level requested by the administration.

We frankly have an opportunity to reinforce our friendship. I do not like the incarceration of opposition and the 10,000 police that were, if you will, both misguided and without temperament. They should be chastised, and the Mubarak government has the responsibility to do that. What the world sees, the world believes.

But Egypt is currently undergoing a process of reform. They are undergoing an effort of broadening political participation ensuring freedom of expression. In addition, they recognize that this is a problem with the incarceration of the opposition. I might remind my colleagues that it was a court decision that caused Mr. Noor to be incarcerated.

But nonetheless, any letter to the effect that suggests that this is not the

right way I will join, but this is not the way to engage in this position. It is true that Egypt is not engaged in active or interactive military conflict as we speak, but there is no doubt that Egypt is a target of terror and terrorism. There is no doubt that they are a strategic body of safety within the region of the Middle East. They are subject to forces of terrorism, militant Islam, and rogue countries that threaten America and Egypt.

I would only ask my colleagues that, yes, it is appropriate to admonish Egypt and to make them realize that we want an encompassing of the ideals of democracy, but having just received the Prime Minister of Israel, they have a relationship with a strong partner of the United States. Let us recognize that Egypt has been a friend; that Egypt's culture is a culture of great diversity; that Egyptians here in the United States have spent their blood on behalf of freedom of this country; and that the relationship that we have between Egypt and the United States is one to nurture and one to give credence to and one to be able to protect.

Egypt is listening to this debate, and I believe, Mr. Chairman, as they listen to this debate they will correct their ways, but we should not support this amendment. Let us support and nurture the relationship between the United States and Egypt. They are a strategic partner.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

In a moment, I would turn to my colleague Mr. OBEY in case he has other thoughts to round out his, I think, important case on an important amendment, which I strongly support. The only adjustment that I could possibly suggest would be that some of the money that was of the \$100 million be invested in water resources around the world, but I am pleased to step forward.

I am a supporter of the historic agreement that Egypt entered into. I think the \$60 billion American taxpayers have invested is justifiable, but I think it is time for us to take a step back and get real. I have listened to the argument that we have heard from a variety of people, including those who have been the most steadfast supporters of Egypt on the floor of this Chamber year after year in terms of patience running thin, in terms of the oppression of people in Egypt, suppression of the democratic process.

□ 1615

I find it a little farfetched to suggest that somehow everything is going to be fine with our relationship with Egypt if we give them \$1.75 billion, but if somehow that is scaled down to \$1.65 billion that somehow things are going to be upset; that it is a slap in the face; that Egypt is somehow undermined. Who else is going to give them this type of money and provide this type of steadfast support?

It is the wrong use of this money. I think Mr. OBEY has suggested higher and better uses. Again, I only wish it was water resources. I think it is an important wake-up call for Egypt, but more important, I think it is an affirmation of our responsibility of how we use these resources to extend our interests in foreign policy. We shouldn't be trapped in time.

I think Mr. OBEY's amendment is an important step in our exercising our responsibility.

I yield to Mr. OBEY if he wanted to elaborate on his defense.

Mr. OBEY. I thank the gentleman. Someone on the other side just said "What will the headline be tomorrow?"; that it will be that there is a slap in the face of the government. That is the point. That is the point.

Our long-term security is tied not just to Mr. Mubarak, but whoever comes after him. And what we are trying to do is to send a message to all levels in Egyptian society that we stand for what we say we stand for, which is a modicum of decency in dealing with your political opponents, absent other trappings of democracy.

And it is important that a lot of people in Egypt besides Mr. Mubarak understand that we are serious about our democratic values, that we are serious about assuming that the country that is more identified with us than any other Arab country, that it is important that they reflect certain norms of decency with respect to the way they treat their population and treat their political opponents.

And it is in the interest of the United States to make sure that every citizen of Egypt understands that, because otherwise, we allow other groups, like the Muslim Brotherhood, to paint caricatures of the United States, which will do us no good in the long run.

I thank the gentleman for the time.

Mr. DOGETT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, only a few months ago, the Department of State reported on the type of Egypt that would receive more American tax dollars under this bill: "The government's respect for human rights remained poor, and serious abuses continued in many areas." "Security forces killed a number of opposition voters and protestors." "A systematic pattern of torture by the security forces existed." "At least seven persons died in custody at police stations or prisons" during 2005. This on top of 120 such deaths in police custody "as a direct result of torture" over the prior decade "among some 420 cases of torture."

I think Secretary of State Rice was absolutely correct to speak out on democracy in Egypt earlier this year, and she was also correct when she said previously "that for 60 years, it has been the policy of the United States and our allies to turn a blind eye to the absence of freedom in the Middle East." The only problem is that the commitment of this Administration to democracy

promotion is largely determined by its desperate attempt to find more excuses for its other foreign policy failures. And when it comes to Egypt, the Bush administration has merely changed that "blind eye" to a wink.

Yes, just after President Mubarak last month extended emergency rule and dictatorial powers for himself, just after he locked up his electoral opponent, and just as his henchmen were beating peacefully assembled people brutally on the streets of Cairo, Vice President CHENEY winked and accorded Mubarak, Jr. the prestige of a White House meeting. And the Administration advises that President Bush dropped in to say hello to Mubarak, Jr., but briefly because he only wanted to convey his best wishes to Mubarak, Sr.

Well, the Mubarak strategy deserves more than that kind of wink and a nod toward democracy. His strategy has been, from the very beginning, to convince American leaders and American taxpayers to transfer their tax dollars to Egypt because he represents the only alternative to Islamic extremists. And to ensure that his strategy continues to pay dividends, he aggressively suppresses any moderate opposition that emerges.

It is true that he doesn't boil his opponents alive like Secretary Rumsfeld's former buddy in Uzbekistan. But to follow the sad path of civic discourse in Egypt is to watch an authoritarian respond to his people's demand for a more open society with a big stick, with a view that he can beat that spirit out of them with fear and intimidation.

What we need in Egypt, as several people have said on both sides of this debate, what we need is a pragmatic policy, a policy that realizes if we continue to associate ourselves with a corrupt regime, eventually the pressure cooker will explode, and we will have paid to create the very disaster that these dollars are allegedly designed to avoid.

Now is the time to tell President Mubarak, through this amendment, that we have wasted more than enough money propping up tyranny. Ultimately, by approving the Obey-Lantos-Hyde-Green bipartisan amendment, this Congress can say to this latter-day pharaoh, "let your Egyptian people go." Doing that is the best way not only to help the people of Egypt, but also to help American families be safer.

Some have asked about the headline that will likely run about this debate. I will tell you what the headline will be if this amendment is not approved. The headline will be: "We got away with it again." Clearly, the Egyptian government has not heard the comments given quietly in private during the past. They have paid more attention to the winks they have gotten from this Administration. The only thing they will understand is in dollars and cents and in the votes that are cast for this amendment.

I urge my colleagues to support this bipartisan amendment because it will

not only protect American tax dollars, it will lead to more safety for American families.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the Obey-Hyde-Lantos-Green amendment to increase disaster assistance funding for Darfur by \$50 million and to increase HIV/AIDS assistance by \$50 million. In order to pay for this funding, this bipartisan amendment will cost \$100 million in economic budget support for Egypt.

Mr. Chairman, when we provide money to any organization or government, we should demand accountability and results in return. However, we have heard over and over again that in just the last year the government of Egypt has imprisoned the leading opposition candidate in their 2005 elections, which were themselves marred by fraud; extended so-called emergency laws despite promises to repeal them, cracked down on pro-democracy groups, harassed and arrested members of the press, and suspended a United States Government funded program to promote democracy. This is simply not acceptable. Perhaps some tough love and leaner times will help refocus the Egyptian government on Democratic reforms.

While our funds are obviously finite, the need for true humanitarian assistance around the world is seemingly infinite. The World Food Program has recently had to cut rations for refugees in the Sudan due to a shortfall in funding. The global HIV/AIDS initiative is funded at \$121 million below the President's request. I am sure that nearly all of us would rather see our taxpayers' money used to support refugees and children orphaned by AIDS than used to throw dissidents and reporters into Egyptian jails.

Just a day or two ago, I was arrested in front of the Sudanese Embassy as a result of all of the difficulty and the genocide and the instability taking place in Darfur. Certainly a little bit of additional money to help provide resources for those refugees, for those individuals whose lives are disrupted would go a long way. So I urge support for the Obey amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Obey-Hyde-Lantos amendment because the lifesaving interventions that would be effectuated by the amendment to enhance by \$50 million money for PEPFAR and another \$50 million to meet the needs for refugees and IDPs in Darfur are compelling.

The money diverted from Egypt, I want to make very clear, will be very well used. I have actually visited camps in Darfur, Mr. Chairman, and they are underfunded. Despite our best efforts and many of the efforts of the international community, people do need more, food, medicines, as well as the shelter and security that ensures that the food and medicines can go to the people.

Let me also point out that the PEPFAR program did not receive in this bill the amount of money that the President had asked for. Some of that money was put into the Global Fund. And I think it is unfortunate that PEPFAR, that has worked so well and is still growing in its capabilities as well as its impact, should be funded at least at the level the President has asked for. This gets us closer to that number.

I recently visited a number of the programs that are funded by PEPFAR in Uganda and saw firsthand how there is behavioral change that is occurring as part of the abstinence, be faithful approach. But especially for those under the age of 30, there is a profound change. The infection rate is dropping dramatically, and has been for a few years now in places like Uganda.

We went out into the bush and into areas where U.S. funded teams are going out two by two to bring the message of health, including testing as well as what needs to be done if one is found to be infected by HIV/AIDS. We also saw that the PEPFAR monies were being used very efficaciously using faith-based initiatives and others to get the antiretroviral drugs to those infected. But clearly, there is not enough medicine available. Whether it be for young people or people who are older, there is just not enough antiretroviral medicine being funded to reach all of those who could get their lives back if indeed that money was there. So this money, at least \$50 million of it, will be put there.

Let me also say with regards to Egypt, we all know pursuant to the Camp David agreement, and because of the boycott, the Egyptians did receive significant amounts of money, as they should have, and they do so every year. They continue to do so even if the Obey-Hyde-Lantos language is adopted. But I am very concerned, as someone who spends a great deal of time working on human rights, that there has been a deterioration of human rights in Egypt, Christians and others, the government has not done all it can do to try to mitigate these abuses.

Yes, I like Mubarak. We all like him. He is a very affable and a very effective leader in many ways. But it seems to me much more has to be done on a human rights record that the Country Reports on Human Rights Practices this year again has said is poor, as well as the International Religious Freedom Report with regards to Egypt.

So for all of these reasons, I strongly urge that we support this amendment. It is a good amendment. And, again, we are still, even if this passes, major providers of U.S. taxpayer funds to Egypt, even if this amendment passes. So I urge support of the amendment.

Mr. BAIRD. Mr. Chairman, I move to strike the last word.

Friends, it is absolutely true that we need friends in this region, but it is also true that it is not easy to be our friend in the region. It is not easy, first

of all, because a lot of folks in that area are not very fond of the United States of America, and Egypt has been an exception and a dear friend in troubling times and in a troubling region.

It is not easy also because, as a friend, we are sometimes rather condescending.

□ 1630

I have listened to some of the language that has been used here. We talk about tough love. Tough love is something you do not do with someone of mutual stature; tough love is something parents do to children. I have heard language like "get their attention." We have Egypt's attention. They understand that we care about democracy, but it is presumptuous of us to assume that Egyptians do not care about democracy and human rights as well.

I had the privilege of traveling to Egypt recently with some of my good colleagues. We met with a number of moderates and business leaders who said it would be counterproductive if the House of Representatives seeks to punish Egypt or teach Egypt a lesson by withholding these appropriations. It would be counterproductive. Human rights activists told me that. The reason it would be counterproductive is because Egypt has made a number of reforms that we have asked them to make. They are engaging in economic liberalization. They are engaging in progress towards democracy after thousands of years.

Our own country certainly did not start perfectly. As any African American or woman knows, we passed the Alien and Sedition Acts under John Adams. Our own country had a slow and tortuous progress towards full democratic participation.

Egypt is moving in that direction. If we are condescending and patronizing at this critical time, it will send the wrong message, not the right message.

Egypt has boots on the ground in Darfur helping the refugees. They are operating a field hospital in Afghanistan, treating our own wounded and Afghani civilians. Egypt has been critical to helping negotiate the tense situation with the Palestinian Authority. Egypt has been involved in training the Iraqi troops.

Yes, there are concerns. But goodness gracious, could you not turn on the TV occasionally and see demonstrators clashing with police in our own country? And do we not have other allies in that country and elsewhere on this planet that have treated journalists harshly?

If we expect perfection from our friends or we will punish them or teach them a lesson or engage in tough love, we are going to have precious few friends left in the world. Precious few. We need to treat the Egyptians with the respect their long and proud history deserves. We need to continue to support them with appropriations, and we need to work with them as partners

with mutual respect and honor in the long tradition that we have established with this great country.

I understand the good motives of the ranking member and the others who have supported this amendment. I understand their intentions and I respect that. I just think it is a strategy that may actually backfire on us in the region, and for that reason I urge rejection of this amendment and we continue to work with the Egyptian Government to encourage and support the many achievements they have made and to support future achievements as they move forward.

That is the message I heard on the ground in Egypt, and I hope my colleagues will share that and reject this amendment.

Mr. FORTENBERRY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, thank you for this opportunity to support Mr. KOLBE in opposing this amendment to decrease economic support to the government of Egypt.

I think it is important to note that I fully appreciate the concerns raised by the sponsors of this amendment and their commitment to political and human rights reform in Egypt. The imprisonment of Mr. Noor, a presidential candidate, other prisoners of conscience, as well as serious violations of religious freedom, are very serious affronts to human dignity and freedom. I believe that we have a responsibility to raise the issue of reform with the Egyptian Government which the United States has done on numerous occasions and continues to do.

However, it is also important to note that Egypt has borne significant sacrifices for the cause of peace and freedom in the Middle East.

President Sadat paid a very high price for Egypt's rapprochement with Israel. More recently, Ambassador Ihab al-Sherif paid with his life for daring to defy the foes of peace in Iraq.

When I visited the Sinai as an 18-year-old in the aftermath of the 1973 war, I was struck by the graffiti scrawled on a twisted heap of concrete, a scene so typical throughout the Middle East. The message in Arabic and English read: "Here was the war. Here is the peace."

For close to 30 years now, Egypt has stood by a courageous choice, daring to chart a new course. President Sadat could have made another choice. While no government is perfect, this choice has been consistent with a march toward democratic reform. Much is left to do. Many challenges remain. But the loosening of our hand of friendship with Egypt will potentially harm that which this amendment seeks to achieve.

Egypt is one of our most important strategic allies in the Middle East, and a cultural and historical leader of the Arab world. I believe this amendment would achieve nothing short of damaging an important relationship at a critical time.

Mr. AL GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank God that Members OBEY, HYDE and LANTOS have had the courage to bring this amendment. And I say so because, Mr. Chairman, a human crisis of the highest magnitude exists in Darfur. As we speak, we have had 2.5 million people displaced. Something has got to be done about that. We have had 3 million people put in a position such that they have to exist on emergency assistance. 400,000 people are dead. These are real people; these are real numbers. There is real suffering going on in Darfur.

I do not know what the headlines will read tomorrow in Egypt. I do not know what they are going to read here in my hometown of Houston or here in Washington, D.C., but I know this: at some point on the infinite continuum that we call time, the omniscient, the omnipresent, and the omnipotent will come together and every one of us will have to answer the question: Where were you when there was murder and rape and hunger in Darfur? Where were you when your brothers and your sisters were suffering?

I want to let you know that this is the least we can do for the people of Darfur.

Mr. Chairman, \$50 million will go to the World Food Program that needs help. It only has 32 percent of what it needs to meet the demands of this crisis.

Mr. Chairman, we have to ask ourselves the question: If not now, when? When will we give help and aid to those in need?

If not here, where? Where will the help come from?

If not us, who? Who will the help come from?

Mr. OBEY, God bless you. You have done the decent thing for people who have been suffering for too long. I thank you for what you have done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin will be postponed.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I hope in just a moment here that we will be able to have the committee rise and we will have a unanimous consent agreement to propound. But let me say before that moment that I do think this debate that we have just concluded has been a very constructive debate, a very productive one.

As I said in the committee, I hope that our friends in Egypt, whether they are here in the United States or wheth-

er they are listening to this abroad, have taken some message from this debate that we have just had on the question of our relationship with Egypt and the support and the strategic partnership which we all recognize as an important one. But I hope the message that our friends in Egypt take from this is that democracy is about this kind of a debate.

In a democracy, you not only allow this kind of debate, you encourage it. What we hope to be able to say to our friends in Egypt is that this debate is an important one, and we have had a very constructive debate that I believe is very important.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BOOZMAN) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5522 in the Committee of the Whole, pursuant to House Resolution 851, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. MCGOVERN regarding Andean counterdrug funding, which shall be debatable for 60 minutes;

An amendment by Mr. MCGOVERN regarding a funding limitation on Western Hemisphere Institute for Security Cooperation, which shall be debatable for 30 minutes;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding funding for Ireland;

An amendment by Ms. GINNY BROWN-WAITE of Florida regarding INCLE funding for Mexico;

An amendment by Mr. BROWN of Ohio regarding Child Survival and Health program;

An amendment by Ms. WATERS regarding funding for Haiti, which shall be debatable for 20 minutes;

An amendment by Ms. WATERS regarding funding for Haiti;

An amendment by Ms. HOOLEY regarding INCLE funding;

An amendment by Ms. BERKLEY to strike the waiver authority in section 544 of the bill;

An amendment by Ms. BERKLEY to strike the waiver authority in section 550 of the bill;

An amendment by Ms. BERKLEY to strike the waiver authority in section 555 of the bill;

An amendment by Mr. MCHENRY to strike the waiver authority in section 581 of the bill;

An amendment by Mr. DEAL of Georgia regarding section 583 of the bill and certain waiver authority;

An amendment by Mr. TERRY regarding funding limitation on importation of counterfeit goods and services;

An amendment by Mr. WEINER regarding funding limitation on Saudi Arabia, which shall be debatable for 20 minutes;

An amendment by Mr. KING of Iowa regarding funding limitation on ESF funds to Mexico;

An amendment by Mrs. MUSGRAVE regarding funding limitation on importation of U.S. beef;

An amendment by Mr. KUCINICH regarding funding limitation on Northern Transnational Highway in El Salvador;

An amendment by Mr. POE regarding funding limitation on countries that do not accept the transfer of certain individuals issued a Final Removal Order by ICE;

An amendment by Mr. POE regarding reduction of funds in the bill;

An amendment by Mr. SANDERS regarding funding limitation on Ex-Im Bank approval of an application related to oil and gas field development project, which shall be debatable for 20 minutes;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on IMET funds for the Government of Chad;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on Pakistanian enforcement of the Offence of Zina ordinance of 1979;

An amendment by Ms. JACKSON-LEE of Texas regarding authorization of funds for security activities in Afghanistan;

An amendment by Ms. JACKSON-LEE of Texas regarding funding limitation on IMET funds for child soldiers;

An amendment by Mr. DEAL of Georgia regarding funding limitation on the use of INCLE funds;

An amendment by Mr. CULBERSON regarding funding limitation on assistance to Mexico;

An amendment by Mr. HEFLEY regarding reduction of funds in the bill; and

An amendment or amendments by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Ex-

port Programs, and Related Programs may each offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

The SPEAKER pro tempore. Pursuant to House Resolution 851 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5522.

□ 1645

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, with Mr. THORNBERRY in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill had been read through page 14, line 3.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on one amendment on which further proceedings were postponed, the amendment by Mr. OBEY of Wisconsin.

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 198, noes 225, not voting 9, as follows:

[Roll No. 236]

AYES—198

Abercrombie	Gutierrez	Owens
Ackerman	Hall	Pallone
Allen	Harman	Pascarell
Andrews	Hastings (FL)	Paul
Baca	Hayworth	Payne
Baldwin	Hereth	Pelosi
Barrow	Higgins	Platts
Bean	Hinojosa	Poe
Becerra	Holden	Ramstad
Berkley	Holt	Rangel
Berman	Honda	Reichert
Berry	Hoolley	Renzi
Bishop (NY)	Hostettler	Rogers (AL)
Blumenauer	Hoyer	Ros-Lehtinen
Boswell	Hyde	Ross
Boucher	Israel	Rothman
Boyd	Jackson (IL)	Roybal-Allard
Bradley (NH)	Jefferson	Royce
Brady (PA)	Jindal	Rush
Brown (OH)	Johnson (IL)	Ryan (OH)
Butterfield	Keller	Sabo
Cantor	Kennedy (MN)	Salazar
Capuano	Kennedy (RI)	Sánchez, Linda T.
Cardin	Kildee	Sanders
Cardoza	Kind	Schakowsky
Carnahan	Langevin	Schiff
Carson	Lantos	Schwartz (PA)
Clay	Larsen (WA)	Scott (GA)
Clyburn	Larson (CT)	Scott (VA)
Conyers	LaTourette	Sensenbrenner
Cooper	Leach	Sherman
Costa	Lee	Simmons
Costello	Levin	Simpson
Crowley	Lewis (GA)	Slaughter
Cummings	LoBiondo	Smith (NJ)
Davis (AL)	Lowey	Snyder
Davis (CA)	Maloney	Solis
Davis (IL)	Markey	Souder
Davis (TN)	Matheson	Spratt
DeFazio	McCarthy	Stark
DeGette	McCaul (TX)	Stearns
Delahunt	McCollum (MN)	Strickland
DeLauro	McGovern	Stupak
Doggett	McHenry	Tancredo
Doyle	McIntyre	Tanner
Duncan	McNulty	Tauscher
Edwards	Meehan	Thompson (CA)
Emanuel	Meek (FL)	Thompson (MS)
Engel	Meeks (NY)	Tiberi
Eshoo	Melancon	Tierney
Etheridge	Mica	Towns
Farr	Michaud	Udall (CO)
Fattah	Millender	Udall (NM)
Ferguson	McDonald	Van Hollen
Filner	Miller (NC)	Velázquez
Fitzpatrick (PA)	Miller, George	Visclosky
Ford	Moore (KS)	Wasserman
Fox	Moran (KS)	Schultz
Frank (MA)	Moran (VA)	Watson
Gallegly	Musgrave	Watt
Gerlach	Nadler	Waxman
Gohmert	Napolitano	Weiner
Gonzalez	Neal (MA)	Wexler
Gordon	Northup	Wolf
Green (WI)	Oberstar	Woolsey
Green, Al	Obey	Wynn
Grijalva	Olver	

NOES—225

Aderholt	Boustany	Cole (OK)
Akin	Brady (TX)	Conaway
Alexander	Brown (SC)	Cramer
Bachus	Brown, Corrine	Crenshaw
Baird	Brown-Waite,	Cubin
Baker	Ginny	Cuellar
Barrett (SC)	Burgess	Culberson
Bartlett (MD)	Burton (IN)	Davis (KY)
Barton (TX)	Buyer	Davis, Jo Ann
Bass	Calvert	Davis, Tom
Beauprez	Camp (MI)	Deal (GA)
Biggert	Campbell (CA)	DeLay
Bilirakis	Cannon	Dent
Bishop (GA)	Capito	Diaz-Balart, L.
Bishop (UT)	Capps	Diaz-Balart, M.
Blackburn	Carter	Dicks
Blunt	Case	Dingell
Boehlert	Castle	Doolittle
Boehner	Chabot	Drake
Bonilla	Chandler	Dreier
Bonner	Chocola	Ehlers
Boozman	Cleaver	Emerson
Boren	Coble	English (PA)

Everett	Kucinich	Putnam
Feeney	Kuhl (NY)	Radanovich
Flake	LaHood	Rahall
Foley	Latham	Regula
Forbes	Lewis (CA)	Rehberg
Fortenberry	Lewis (KY)	Reynolds
Fossella	Linder	Rogers (KY)
Franks (AZ)	Lipinski	Rogers (MI)
Frelinghuysen	Lofgren, Zoe	Rohrabacher
Garrett (NJ)	Lucas	Ruppersberger
Gilchrest	Lungren, Daniel	Ryan (WI)
Gillmor	E.	Ryun (KS)
Gingrey	Lynch	Sanchez, Loretta
Goode	Mack	Saxton
Goodlatte	Marchant	Schmidt
Granger	Marshall	Schwarz (MI)
Graves	Matsui	Serrano
Green, Gene	McCotter	Sessions
Gutknecht	McCrery	Shadegg
Harris	McDermott	Shaw
Hart	McHugh	Shays
Hastings (WA)	McKeon	Sherwood
Hayes	McKinney	Shimkus
Hefley	McMorris	Shuster
Hensarling	Miller (FL)	Skelton
Herger	Miller (MI)	Smith (TX)
Hinchey	Miller, Gary	Smith (WA)
Hobson	Mollohan	Sodrel
Hoekstra	Moore (WI)	Sullivan
Hulshof	Murphy	Sweeney
Hunter	Murtha	Taylor (MS)
Inglis (SC)	Myrick	Taylor (NC)
Inslee	Neugebauer	Terry
Issa	Ney	Thomas
Istook	Norwood	Thornberry
Jackson-Lee	Nunes	Tiahrt
(TX)	Ortiz	Turner
Jenkins	Osborne	Upton
Johnson (CT)	Otter	Walden (OR)
Johnson, E. B.	Oxley	Walsh
Johnson, Sam	Pastor	Wamp
Jones (NC)	Pearce	Waters
Jones (OH)	Pence	Weldon (FL)
Kanjorski	Peterson (MN)	Weldon (PA)
Kaptur	Petri	Weller
Kelly	Pickering	Westmoreland
Kilpatrick (MI)	Pitts	Whitfield
King (IA)	Pombo	Wicker
King (NY)	Pomeroy	Wilson (NM)
Kirk	Porter	Wilson (SC)
Kline	Price (GA)	Wu
Knollenberg	Price (NC)	Young (AK)
Kolbe	Pryce (OH)	Young (FL)

NOT VOTING—9

Bono	Gibbons	Nussle
Davis (FL)	Kingston	Peterson (PA)
Evans	Manzullo	Reyes

□ 1711

Messrs. CLEAVER, DINGELL, ROHRBACHER, CUELLAR, FEENEY and WU, and Ms. MCKINNEY and Ms. EDDIE BERNICE JOHNSON of Texas, changed their vote from "aye" to "no."

Messrs. EDWARDS, GALLEGLY, MCHENRY, FERGUSON, FORD and LOBIONDO changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the Chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2007, and for other purposes, had come to no resolution thereon.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5522, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2007

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 5522 pursuant to House Resolution 851, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clause 9 of rule XX.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Appropriations:

HOUSE OF REPRESENTATIVES,

Washington, DC, June 8, 2006.

Hon. J. DENNIS HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Please accept my resignation, effective immediately, from the House Committee on Appropriations.

It has been my great pleasure to serve on the committee under the fine leadership of Chairman Jerry Lewis and Chairman Bill Young.

Thank you for your attention to this request.

Sincerely,

TOM DELAY,
Member of Congress.

The SPEAKER pro tempore. The question is, Shall the resignation be accepted?

The gentleman from Texas is recognized.

□ 1715

Mr. DELAY. Mr. Speaker, political careers tend to end in one of three ways: defeat, death, or retirement. And despite the fervent and mostly noble exertions of my adversaries over the years, I rise today to bid farewell to this House under the happiest of the available options.

I wish to begin the end of my congressional career by publicly thanking for the last time as their Representative the people of the 22nd District of Texas. Everything I have ever been able to accomplish here I owe and dedicate to them. It has been an honor and a privilege to serve them here.

Mr. Speaker, the real Speaker, he is on his way. I want to tell the real Speaker it has been a real honor to serve with DENNY HASTERT, who is my good friend, my most trusted partner and colleague. I want to take just a moment to congratulate him myself on becoming the longest serving Republican Speaker in history.

What a blessing this place is, Mr. Speaker. What a castle of hope this building is, this institution is for the people of the world. It is one of those

things in political life that you always know, but seldom notice. The schedules we are forced to keep during our days in Washington are not always hospitable to sitting back and reflecting on the historical significance of our surroundings.

In the weeks since I announced my retirement, however, I have found myself doing just that. I notice things like I have not in years. I notice the monuments on the Mall. I notice that in Washington's obelisk, the Father of Our Country is represented not as an object of glory, but as a dutiful sentry at attention, minding his post for eternity.

I notice that under Jefferson's dome, the statue of the man is relatively understated, while his etched words still thunder from the marble with the power to drive history.

I notice that Lincoln's chair, the man who sought above all peace and reconciliation, keeps one of his hands in a perpetual fist. I walk these halls with a keener perspective. I notice now the statues of old and great, and in some cases almost forgotten, heroes that line the halls of this building, that stand in Statuary Hall.

In these halls I have also noticed in recent weeks the number of tourists in the Capitol who speak no English. They are not from America, most of these visitors, and yet, in a certain sense, of course they are. They may speak Italian or Polish or Japanese, but the freedoms they enjoy, both here and in their own country, have been inspired, won and secured by the ideals and the courage and the compassion of the American people.

These pilgrims come from all over the world to the House of Representatives to sit up in these galleries, photograph the statues, and stare up at the rotunda, to bear witness to the awesome feat of human liberty we have achieved right here.

The dome above us, Mr. Speaker, is a light house, a star even, by which all of the people in the world, no matter how oppressed, how impoverished, how seemingly without hope can chart a course towards security, prosperity, and freedom.

It is worth considering, though I will admit it is considerably easier to consider after you have announced your retirement, whether the days we lead here, the debates we wage, the work we do is always worthy of the elevated ideals embodied in that dome.

I submit that we could do better, as could all people in all things at all times, but perhaps not in the way some might think. In preparing for today, I found that it is customary in speeches such as these to reminisce about the good old days of political harmony, and across-the-aisle camaraderie, and to lament the bitter divisive partisan rancor that supposedly now weakens our democracy.

Well, I cannot do that, because partisanship, Mr. Speaker, properly understood, is not a symptom of democracy's

weakness, but of its health and its strength, especially from the perspective of a political conservative.

Liberalism, after all, whatever you may think of its merits, is a political philosophy and a proud one, with a great tradition in this country with a voracious appetite for growth. In any place, or any time, on any issue, what does liberalism ever seek, Mr. Speaker? More. More government. More taxation. More control over people's lives and decisions and wallets.

If conservatives do not stand up to liberalism, no one will. And for a long time around here, almost no one did. Indeed, the common lament over the recent rise in political partisanship is often nothing more than a veiled complaint instead about the recent rise of political conservatism.

I should add here that I do not begrudge liberals their nostalgia for the days of a timid, docile, and permanent Republican minority. If we Republicans had ever enjoyed that same luxury over the last 12 years, heck, I would be nostalgic too.

Had liberals not fought us tooth and nail over tax cuts and budget cuts and energy and Iraq and partial birth abortion, those of us on this side of the aisle can only imagine all of the additional things we could have accomplished.

But the fact of the matter is, Mr. Speaker, they did not agree with us. So to their credit, they stood up to us. They argued with us. And they did so honorably on behalf of more than 100 million people, just like we did against President Clinton and they did against President Reagan.

Now, it goes without saying, Mr. Speaker, that by my count, our friends on the other side of the aisle lost every one of those arguments over the last 22 years, but that is besides the point. The point is, we disagree. On first principles, Mr. Speaker, we disagree. And so we debate, often loudly and often in vain, to convince our opponents and the American people of our point of view.

We debate here on the House floor. We debate in committees. We debate on television, and on radio and on the Internet and in the newspapers; and then every 2 years we have a huge debate, and then in November, we see who won.

That is not rancor; that is democracy. You show me a Nation without partisanship, and I will show you a tyranny. For all its faults, it is partisanship based on core principles that clarifies our debates, that prevents one party from straying too far from the mainstream, and that constantly refreshes our politics with new ideas and new leaders.

Indeed, whatever role partisanship may have played in my own retirement today, or in the unfriendliness heaped upon other leaders in other times, Republican or Democrat, however unjust, all we can say is that partisanship is the worst means of settling funda-

mental political differences, except for all of the others.

Now, politics demands compromise, and, Mr. Speaker, even the most partisan among us have to understand that. But we must never forget that compromise and bipartisanship are means, not ends, and are properly employed only in the service of higher principles. It is not the principled partisan, however obnoxious he may seem to his opponents who degrade our public debate, but the preening self-styled statesman who elevates compromise to a first principle.

For the true statesman, Mr. Speaker, we are not defined by what they compromise, but what they do not. Conservatives, especially less enamored of government's lust for growth, must remember that our principles must always drive our agenda and not the other way around.

For us conservatives, there are two such principles that can never be honorably compromised: human freedom and human dignity. Now, our agenda over the last 12 years has been an outgrowth of these first principles.

We lowered taxes to increase freedom. We reformed welfare programs that however well intentioned undermined the dignity of work and personal responsibility and perpetuated poverty.

We have opposed abortion, cloning and euthanasia because such procedures fundamentally deny the unique dignity of the human person. And we have supported the spread of democracy and the ongoing war against terror, because those policies protect and affirm the inalienable human right of all men and women and children to live in freedom.

Conservatism is often unfairly accused of being insensitive and mean-spirited, sometimes unfortunately, even by other conservatives. As a result, conservatives often attempt to soften that stereotype by overfunding broken programs or glossing over ruinous policies. But conservatism is not about feeling people's pain; it is about curing it.

And the results since the first great conservative victory in the 1980s speak for themselves. Millions of new jobs, new homes, and new businesses created, thanks to conservative economic reforms. Millions of families intact and enriched by the move from welfare to work. Hundreds of millions of people around the world liberated by a conservative foreign policy victory over Soviet Communism, and more than 50 million Iraqis and Afghans liberated from tyranny since September 11, 2001.

To all of the critics of the supposedly mean-spirited conservative policies that brought about these results, I say only this: compassionate is as compassionate does.

Now, when I say that word, Mr. Speaker, compassionate, my thoughts turn to one person, my wife, Christine. Twelve years ago, Christine became what is called a court-appointed special advocate for abused and neglected

children. And soon thereafter we became foster parents ourselves to three such children.

Over the last 10 years, I have spent more time and energy on the plight and needs of abused, neglected children than on any other single issue. It is an issue that transcends politics, let alone partisanship, and one that will continue to command a disproportionate amount of my time as a private citizen.

I am concerned, however, about whether it will receive the attention it deserves here in Washington, D.C. And because this is the last time I may ever command the attention of the House and of the national media, I will make one more plea before I go.

The catastrophe of America's child welfare and foster care systems is a national outrage, a government failure, and a bipartisan embarrassment. Congresses, administrations, Governors and State legislatures of every party and ideological bent for almost 100 years have thrown abused and neglected children into a vicious cycle of violence, fear, and instability.

Children who have already been beaten and betrayed by the people that are supposed to love them the most are routinely tossed from one temporary placement to another, often 10 to 20 times during their most formative, vulnerable years.

The system we have created still includes perverse economic incentives that deny children permanent homes, and in some States still lacks meaningful child monitoring or even background checks for perspective foster parents. The courts charged with overseeing each case are overrun with unrelated duties. So the thankless, unexciting work of looking after foster kids is just set aside in favor of more glamorous cases on the docket.

□ 1730

Bureaucracies layered one on top of another consign these children to the perdition of government and foster care for years at a time and with little or no effort made to finding them permanent loving forever families.

Instead, every few months these children throw their despair and distrust into a black plastic trash bag along with their few belongings and head off to the next place, the next letdown. They are abused and neglected long before they ever reach our abusive and neglectful foster care system and once in, things often only get worse.

Children are dying, Mr. Speaker, inside and out, and it is our fault. There is legislation now waiting in the Senate to help expedite interstate placement of foster children, and within its narrow focus this bill will do some good on the margins of some cases. I am proud of what little I have been able to accomplish for these children over the years, but in truth, I have only moved molehills, not mountains.

So I leave you today not by asking that one take up this cause, but by asking that all of you do. That you listen to the stories of these children and

the stories that they tell and study the broken system we have created for them and help them, for God's sake, help them.

I ask this of Republicans and Democrats alike, not in the name of bipartisanship but in the name of principle, which brings me back, Mr. Speaker, to those memorials and those statues.

The great Americans honored here in bronze and marble, the heroes of our history and the ghosts of these halls were not made great because of what they were but because of what they did. George Washington and Abraham Lincoln have almost nothing in common with Junipero Serra and Jack Swigert, except the choice they each made, to live, to fight and even to die in the service of freedom. We honor men with monuments not because of their greatness or even simply because of their service, but because of their refusal even in the face of danger or death to ever compromise the principles they served.

Washington's obelisk still stands watch because democracy will always need a sentry. Jefferson's words will still ring because liberty will always need a voice. And Lincoln's left hand still stays clenched because tyranny will always need an enemy. And we are still here, Mr. Speaker, as a House and as a Nation because the torch of freedom cannot carry itself.

Here on this floor, I have caught and thrown spears of every sort. Over the course of 22 years, I have probably worked with and against almost everyone in this Chamber at least once. I have scraped and clawed for every vote, every amendment for every word of every bill that I believed in my heart would protect human freedom and defend human dignity. I have done so at all times honorably and honestly, Mr. Speaker, with God as my witness and history as my judge. And if given the chance to do it all again, there is only one thing I would change. I would fight even harder.

This place has given me so many memories, so much life. For 22 years, I have served the best I knew how. In this House, I have found my life's calling and my soul's savior. Eight years ago, I witnessed evil in the murder of two Capitol Hill police officers, one just outside my office and another, a very dear friend on my protection detail, inside my office itself. And 5 years ago, I witnessed unparalleled courage as their surviving comrades stood at their posts inside this building during the frantic evacuation on 9/11. They are around us every day, the Capitol Police force.

I tell you, those police officers are Members' and staffs' own personal army of guardian angels. They are the bravest men and women serving under this dome, and I offer them now, one more time, my great respect and admiration because believe it or not, Mr. Speaker, this is a happy day for me, though admittedly perhaps not as happy as it is for some of our old

friends on the other side of the aisle. But nothing, not this retirement, not tough losses or old wounds, can detract from the joy that I feel and the blessings I offer to this House and its Members.

I say good-bye today, Mr. Speaker, with few regrets, no doubt. And so with love and gratitude for friends and foe alike, patriots all, I yield back the floor of our beloved House. And I exit as always, stage right.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5252, COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the vote on adoption of House Resolution 850, on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The vote was taken by electronic device, and there were—yeas 262, nays 151, not voting 19, as follows:

[Roll No. 237]

YEAS—262

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Biggart
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Castle
Chabot
Chandler
Chocola
Clay
Clyburn
Coble

Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrist
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene

Gutierrez
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Ingalls (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery

McHenry
McHugh
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pastor
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter

Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson

Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—151

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berman
Berry
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carson
Case
Cleaver
Conyers
Cooper
Costello
Cummings
Diaz (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Harman
Hastings (FL)
Herse
Hinchey
Hinojosa
Holden

Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Millender
McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey

Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Rothman
Roybal-Allard
Ryan (OH)
Sabo
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wu

NOT VOTING—19

Bono
Davis (FL)
Edwards
Evans
Gibbons
Gillmor
Harris

Kingston
Kirk
LaTourette
Manzullo
Moore (WI)
Nussle
Paul

Peterson (PA)
Pryce (OH)
Reyes
Strickland
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1756

Mr. CLEAVER and Mr. BROWN of Ohio changed their vote from "yea" to "nay."

Messrs. MARSHALL, RAHALL, CLAY and FORD changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. PRYCE of Ohio. Mr. Speaker, on the legislative day of Thursday, June 8, 2006, the house had a vote on rollcall 237, on H Res. 850, providing for consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services. Had I been present, I would have voted "yea."

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H.R. 5252 and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

COMMUNICATIONS OPPORTUNITY, PROMOTION, AND ENHANCEMENT ACT OF 2006

The SPEAKER pro tempore. Pursuant to House Resolution 850 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5252.

□ 1758

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5252) to promote the deployment of broadband networks and services, with Mr. PRICE of Georgia in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I enthusiastically bring the general debate for H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006, to the floor of the House of Representatives. The process in getting the bill to

this stage has been long, has been fruitful, and, in my opinion, it has been fair. It has involved more than a year of hearings, as well as staff and Member-level negotiations. That process has clearly borne, I think, positive fruit.

We come to the House today with a bill that has received overwhelming bipartisan support in both the subcommittee and the full committee. The bill passed the subcommittee by a margin of 27-4, with all Republicans voting for it and two-thirds of the Democratic minority party voting for it. In the full committee it was reported by a margin of 42-12, again all Republicans voting for it and a majority of the Democrats voting for it.

The primary focus of this legislation is to create a streamlined cable franchising process in order to increase the number of facilities-based providers for video, voice, and data services everywhere in our great Nation.

Today, there are thousands of local franchising authorities. Each may impose disparate restriction on the provision of cable service in its specific franchising area. The requirement to negotiate such local franchises and the patchwork of obligations that local franchising authorities impose are hindering the deployment of advanced broadband networks that will bring increasingly innovative and competitive services to all of our constituents.

The United States does not even rank in the top 10 of the nations of the world in broadband deployment. This bill should change that statistic.

H.R. 5252 seeks to address this concern and strike the right balance between national standards and local oversight. It would allow the negotiation of local franchises, but make available an alternative national franchise process.

□ 1800

Moreover, the national franchise preserves local franchise fees, municipal control over their rights-of-way, and support for their Public Education and Governmental channels that so many of our Members are strongly in favor of.

The bill also seeks to strike the right balance between ensuring the public Internet remains an open, vibrant marketplace, and ensuring Congress does not hand the FCC a blank check to regulate Internet services, an action that I believe would have a chilling effect on broadband deployment, especially broadband innovation. We need the FCC to stop the cheats without killing honest creativity. We don't need anybody to be the first Secretary of the Internet.

Finally, the bill addresses rules for voiceover Internet protocol services, or VoIP services, to ensure that the Internet voice services become a vibrant competitor to what we call plain old telephone service.

I want to thank Congressman RUSH for his cosponsorship, Subcommittee

Chairman Mr. UPTON for his cosponsorship, Vice Chairman CHIP PICKERING of Mississippi for his leadership, and all the members of the committee and the subcommittee on both sides of the aisle who have cosponsored this bipartisan legislation with me.

I would urge my colleagues to support this bill and look forward to a vigorous debate on the amendments that have been made in order by the Rules Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself 5 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I rise in opposition to this measure. It is a bad bill. It does nothing except take care of the special and the vested interests. The baby bells, the telephone companies, and the cable operators are going to cut a fat hog. The consumers are able to anticipate only a few things: One, they are going to get worse service, probably less competition, and almost certainly increases in rates.

Consumers are going to see their cities lose control over their streets and roads to, of all things, the Federal Communications Commission, one of the sorriest of the Federal agencies, and an agency which has neither the staff time nor willingness to address the important questions that are going to be conferred on it by this legislation.

In addition to that, the FCC is going to be clogged. There is going to be deadlock and absolute chaos in that agency because of the total lack of that agency in addressing the serious questions regarding administration of highways, streets, roads, and use of public facilities belonging to cities, counties, and States.

It would be a wonderful argument, which is made by the proponents of this bill, that it will lower cable bills and bring consumers choice. What a wonderful argument, if only it were true. This bill is going to harm our consumers, harm our citizens, and harm commercial users of the Internet.

First, with regard to consumers. The bill will leave many consumers paying higher prices for cable services. There is no general promise of lower prices. In fact, the telephone companies, and listen to this, have been telling Wall Street that the price they get for their services will be higher than cable. That is the competition we are going to see under this legislation.

Worse, the bill is a blow to the universal service principles which Congress has insisted on since 1927. The bill abandons current law that in exchange for the use of public property cable operators are required to serve all consumers, all consumers in the franchise area. Both new and existing cable providers will, under this bill, be allowed to cherrypick and skim cream,

serving only attractive neighborhoods and the highest value of consumers in the way that best suits their balance sheets. The rest of us will only be left without competitive choice, but we very well can face higher cable bills, worse service qualities, or even withdrawal of our only provider.

The bill's redlining provisions focused on income is too weak to offer any real protection against discrimination, which is why the leadership conference on civil rights opposes it. The bill does not stop cable operators from offering inferior service based on a person's race, color, religion, national origin or sex.

Second, communities find that this bill inexplicably takes control over local rights-of-way. And as I mentioned, hands them, of all things, to the FCC. Now, the FCC knows about as much on street and sidewalk repairs and local traffic patterns and other local concerns as it does about astrophysics, yet the bill lets the FCC overrule the cities with regard to the management of their property. This is the reason that the League of Cities, the Conference of Mayors and the National Association of Counties oppose it.

Citizens and commercial users of the Internet will find a third reason to oppose it. This bill does away with network neutrality. It is something in which there should be no mistake. Telephone and cable companies will be able to operate as private tax collectors to single out certain Web sites to pay extra fees, to make extra benefits, and get extra privileges. Small and large business schools, libraries, ordinary citizens running Web sites will get shut out of this fast lane unless they are willing to pay a lot more. This could significantly alter the open and innovative Internet that the government has, until now, protected.

If you want a bad piece of legislation, Mr. Chairman, we are looking at it right here. It is going to hurt people. We could have written a good piece of legislation but, regrettably, did not. We have before us, then, a piece of the purest special interest legislation, something which will benefit the few at the expense of the many, something which is rather worthy of this Republican-led Congress.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to a member of the Energy and Commerce Committee, a strong supporter of the bill, the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Thanks, Mr. Chairman.

Mr. Chairman, I rise to support H.R. 5252, the COPE Act. Today's communications networks have become national and international in nature, therefore it does not make sense to still require companies to provide video services to meet varying requirements in tens of thousands of different areas.

We have seen evidence and heard stories of the months and years it takes to

get any one individual franchise, and in some cases video providers must get dozens of individual franchises to service one area. All that does is slow down competition.

This bill also helps get the next generation Internet to consumers with the ability to provide voice, data, and now video, telecommunications companies will be able to develop and increase their infrastructure and provide better and cheaper services.

This is one of the most pro-consumer bills to come to the floor this year, and we need to make sure that the President signs video voice legislation this year. I urge all my colleagues to vote for the COPE Act.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, I rise today in opposition to H.R. 5252, the Communications Opportunity Promotion and Enhancement Act of 2006.

Simply put, I support the ends but not the means with respect to this legislation. The goal of increasing competition in the video communication market is worthy. Indeed, it is of great importance. We know that robust competition can improve customer services, reduce pricing, and spark innovation and technological advances. This House is right to take on this critical and timely subject. But I am disappointed the drafters felt the need to use a national cable franchise as the means to achieve these laudable ends.

I see numerous examples of telephone companies, small and large, entering into successful negotiations with local franchise authorities, and I believe that we can encourage new entrants and new competition without moving to a federally managed national franchise.

But, Mr. Chairman, despite my reservations about the national cable franchise, I might view this model more favorably if the legislation contained adequate safeguards and requirements to ensure that the benefits of increased competition are shared as widely as possible. Unfortunately, this is not what happened in committee when we marked up this legislation and we were denied the ability to bring our amendments to improve the bill to the floor this evening.

Instead, H.R. 5252 backs away from the tenet of universal service to all citizens, which has been a fundamental principle of our Nation's communication policies for over 70 years. And while anti-redlining language is included in the bill, other provisions in the bill render it toothless.

The legislation also strips the States and localities of their authority to both establish and enforce consumer protections and customer service standards. It makes the FCC the final arbiter of local rights-of-way disputes.

Most disappointingly, the bill does little to protect what we call the neutrality of the Internet. Neutrality has become crucial to the development of

innovative and competitive broadband content and services.

I urge my colleagues to reject this legislation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to a member of the full committee and the distinguished Chairman of the Veterans' Committee, Mr. BUYER of Indiana.

Mr. BUYER. Mr. Chairman, I commend Chairman BARTON and Chairman UPTON for their leadership, along with my colleague, Mr. RUSH, from Chicago, and others.

This came out of the subcommittee 27-4, a majority of the minority Democrats of the full committee supported this legislation. So this is an overwhelmingly bipartisan piece of legislation that is very exciting for the American people because it outlines the principles of free, open, market competition. It continues to spawn the technological renaissance that will benefit consumers and lower price.

We are talking about things today that weren't even around when we did the Telecommunications Act of 1996. Telephony? IPTV? We didn't even know those terms. As a matter of fact, when compression technology came along, we thought the future in 1996 was about voice. We got it wrong. It is about voice, video, and data, and that is what we have today on these cell phones.

So when we talk about delivering of video services, the landscaped has changed. Congress has to change. We need to get out of the way. We need to deregulate. If you have to regulate, do so on parity and be technologically neutral.

I commend the chairman.

I do not support the Markey amendment.

Mandated neutrality standards do nothing more than squelch innovation, stifle competition and undermine broadband deployment.

Anytime the government attempts to legislate a "potential" problem it ends up either, at best in years of litigation, and at worst with a regulatory framework that does nothing to help this country.

Currently, at great expense, large and small companies across the country have invested billions of dollars to lay fiber in an effort to provide wanted services to their consumers. Any attempt for government to then restrict their ability to potentially charge for the use of these pipelines acts as a disincentive to continue to deploy, or maintain current access.

Even now, consumers choose different tiers of access to the Internet—I don't see how it can be fair to charge the same rate to one consumer who merely wants to use the internet for sending and receiving emails and another who is actively downloading a multitude of songs, videos, and television shows. The same goes for web sites that demand the use of large amounts of data, such as a video sharing site, or a music download site. In an effort to provide the fastest and most efficient service, should we be blind to those who paid and labored to place the fiber in the ground?

It seems inequitable and counterintuitive to the pro-market principles from which this nation has benefited.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding this time to me. I rise in support of the bill and I urge its approval by the House.

In my view, it will bring urgently needed competition to cable television and benefit consumers nationwide with more varied program offerings and the better pricing that competition inevitably brings.

The bill also opens the door for local governments to offer commercial telecommunication services, filling the gap where broadband is either not available or is available but is priced beyond the reach of residential subscribers and the small business community.

The manager's amendment contains provisions I recommended that will assure fair treatment for electric utilities and telephone companies in pole attachment pricing, and I want to thank the gentleman from Texas (Mr. BARTON), who chairs the full committee, for his assistance with that provision. And the bill will assure that consumers who desire to purchase a freestanding broadband service can do so without having to buy telephone or cable service from the broadband provider.

I also urge support for the net neutrality amendment that the gentleman from Massachusetts (Mr. MARKEY) will be offering. It is essential to preserve the Internet as a platform for innovation. Broadband providers plan to create a two-lane Internet, a fast lane for their own content and for others who can pay for fast-lane access, and a slow lane for everyone else. That plan fundamentally changes the character of the Internet and would eliminate the openness and the accessibility that have enabled the Internet to be a platform for innovation unequaled by any advent in American history.

□ 1815

I will have more to say about that when the Markey amendment is offered, but I want to take the opportunity during these remarks to say that the net neutrality amendment is fundamental, and I strongly urge its adoption when it is offered.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I rise in support of H.R. 5252. This legislation will permit us to move the video franchising process into the 21st century. The concept of a national franchise is needed to make the U.S. concurrent with the global nature of telecommunications by enabling competition to enter the market and build tomorrow's communications network in a timely manner.

There are more than 30,000 individual franchise authorities in the United States. If telecom companies have to negotiate with each and every one of

these, it will be a very long time before they get around to addressing video franchises for rural areas such as the one I represent in Louisiana. Video competition will increase access for these rural Americans and drive new innovations like telemedicine and distance learning. We can greatly accelerate that process by creating a national streamlined method for video entry.

Let us not miss this opportunity to allow the marketplace to thrive and usher in a new era in technology.

Mr. MARKEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the distinguished ranking member of the Telecommunications Subcommittee for yielding me this time.

Mr. Chairman, I want to start out by saying, here we are again. I remember being a conferee on the 1996 telecommunications bill. It does not seem like it was a decade ago, but it was.

That bill, if my colleagues will recall, was designed to create telephone competition for the Baby Bells. But instead, it resulted in the babies eating the mother.

There is something monopolistic in the air here. And if any Member of the House is trying to make up their minds about what to do with this bill, I want to tell you something, if you like monopolies, you will love this bill because they are at it again.

In 1996, they signed onto and said these are the rules that we are going to play by. Local competition, boy, that went out the window.

Then they came on again and wanted something else. Now the telephone companies want to go for the golden goose of the American economy, and that is the Internet.

What should be built into this bill is net neutrality. But I want to say a few other things about the bill. It is flawed in other ways. It really turns local control on its head. Local governments across the country have weighed in. Mayors have said these are not good rules for us.

I came from local government. I have a deep regard for it. We can do much better by the cities and mayors in our communities. We can do much better about the rules in terms of build-out in our country. We should not in the 21st century be drawing lines around who is in and who is out. That is not where America is at its strongest and its best.

This is a flawed bill, and we have to remember, all of us, that the Internet has been the key driver of the American economy. And to have the telecoms come after it and reconfigure it, reshape it to their liking, is something that is an echo of the past, their past behavior. We should not allow that.

So I am urging my colleagues in this general debate to reconsider what it is you are considering because this is not the best legislation for the people of our country. We can do much, much better.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Chairman, I wish to propound a parliamentary inquiry.

I would like to yield 10 minutes to my Democrat sponsor, Mr. RUSH, to control in the general debate in the Committee of the Whole. Is that possible, or how might I do that?

The CHAIRMAN. The Chairman of the Committee of the Whole may not entertain a request to change the scheme for control of general debate ordered by the House.

Mr. BARTON of Texas. So I can't do it.

The CHAIRMAN. Under the rule, the gentleman from Texas must be the one to yield the time, and the Chair cannot entertain a request to change the scheme for general debate from the established by the special order of business in House Resolution 850.

Mr. BARTON of Texas. Mr. Chairman, in that case, I yield 2 minutes on behalf of Mr. RUSH to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, first of all, I need to thank the chairman, my neighbor in Texas, as well as Mr. RUSH, my dear friend and colleague.

I want to express my support today as we move forward on the COPE Act. This bill will make necessary changes to the Nation's cable laws to ensure that for the first time we have a fully open national market for cable services. This will allow not only the major phone and cable companies to compete against each other in provision of video services to average Americans, but will allow countless new companies to quickly enter the cable television market and offer their services. This will not only drive down prices for every American, but it will undoubtedly result in countless unforeseen new services and technologies to be offered to Americans.

Mr. Chairman, the telecommunications industry is the most dynamic industry in this country. Every day new technologies are introduced that have the potential to dramatically expand the opportunities for average Americans to have access to new sources of information, new forms of entertainment, and new ways to communicate with each other. These changes have become so rapid with so many implications to both business and public policy that the political process has simply failed to keep up.

This bill reflects, in my view, how Congress should best handle the revolutionary changes that are occurring in telecommunications. It should let the marketplace work. Mayors, regulators, and Members of Congress simply do not know in advance how all of the revolutionary changes in telecommunications will turn out. For us to attempt to do so, whether under the guise of net neutrality or any other slogan, is both foolish and dangerous.

Rather, we should aim, as this bill does, to relieve unnecessary barriers that prevent a full national market to

develop and leave the ultimate decision-making process to the engineers, the businessmen and, most importantly, the consumers of our country.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, until August of last year, broadband Internet providers were considered common carriers under the law, with a legal requirement to carry all traffic equally.

A series of FCC decisions and the Supreme Court's decision to them changed all that, turning broadband services into unregulated "information services."

Why is this important? In my district in Silicon Valley, everybody uses the Internet and knows that you have to have net neutrality. They cannot believe that we would even consider changing that rule.

So what does "common carrier" mean? For those of you who don't use the Internet a lot, common carrier is a concept that is quite old. What it really means in exchange for rights to use public ways: you agree to carry all passengers on the same terms. If you get on the bus, a common carrier, you are charged a fee; but the bus company cannot charge more to women than it can to men, and that is really the equivalent of what we are talking about here.

The phone company consolidations have meant that most Americans have one or at most two choices for their broadband service provider. What that means is that we are going to have a duopoly or a monopoly unless we have net neutrality rules that will stifle the Internet. It will turn the Internet into the equivalent of cable TV. That is not going to be good for innovation.

Google is a multi-billion dollar corporation that was founded in a dorm room by two Stanford students. They had an opportunity to be successful because they were not screened out at the very beginning by incumbents who paid for access. That is about to change unless this House adopts net neutrality rules.

Some of the phone companies have suggested that there is a free ride. What they have failed to point out is that the phone companies are paid an enormous amount of money, just like the bus company is, for use of their services. What the net neutrality rules say is you cannot differentiate.

I would just like to say we want to go on seeing the girl in the funny hat making lemonade. Don't make us watch Robin Williams's cousin making bacon juice instead.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), a very valuable member of the subcommittee.

Mrs. BLACKBURN. Mr. Chairman, I want to thank our chairman for the good work on the bill, and I want to encourage my colleagues to support this legislation tonight.

My colleague, Representative WYNN, and I began working on the effort to streamline this Nation's franchising rules more than a year ago when we introduced the Video Choice Act. It has been a pleasure to work with him on the issue.

We knew that government regulations were keeping prices high for American consumers; and when I spoke earlier today during debate on the rule, I talked a bit about how competition helps lower prices. I have a chart here to help make that point. This data demonstrates consumer price changes over the past 7 years. Here is the Consumer Price Index. Now take a look at what has happened with cable prices over the past 7 years and how they have soared. This blue line right here is our long distance prices, and then our wireless prices are the green line. So you can see how dramatically our video or cable pricing has outpaced the Consumer Price Index.

Mr. Chairman, the COPE bill will bring competition. It will help lower prices. It will help all entrants, including the little guys, like Ben Lomand Telephone Cooperative in McMinnville, Tennessee.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I rise in opposition to H.R. 5252. I regret that leadership did not allow votes on key amendments important to municipalities and community television.

Each of us wants more competition in video. That can happen today. There is no legal impediment to a telephone company offering video over its lines. There are two towns in Maine wired for video, but the service has not been turned on.

If the current local franchising regime is as cumbersome as the phone companies say, then let's figure out a way to streamline the process. The municipalities are open to streamlining. We should negotiate a consensus bill involving all of the stakeholders.

Unfortunately, this bill did not follow that process. Twice the Committee on Energy and Commerce on which I serve struck bipartisan deals that gave all stakeholders a voice in the legislation; and twice the bipartisan deals were scuttled by external forces that preferred a divisive bill to a consensus one.

My substantive concerns are threefold:

First, local control. The current cable franchising process gives communities the ability to meet their needs. Municipalities can ensure that every resident gets service and that access to public access channels. They retain management of public rights-of-way.

This bill goes too far by federalizing the process of streamlining. It makes the FCC the arbiter of consumer complaints, for example; and the FCC has neither the resources nor expertise to do that.

Second, universal access. The new video providers have been honest. They

are going to the swanky neighborhoods first. Maine is a rural State. Without a build-out requirement, companies are free to ignore northern and eastern Maine.

□ 1830

If we abandon universal access, we will leave rural areas behind.

Third, net neutrality. I support the Markey amendment. Allowing toll booths on the Internet will undermine the freedom of the Internet and hurt consumers.

Lastly, any franchising bill that becomes law should include reform of the universal service fund to bring broadband and video competition to rural and underserved counties.

I urge defeat of the bill.

Mr. UPTON. At this point, Mr. Chairman, on behalf of Mr. RUSH, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, the COPE Act is a complex piece of legislation with a simple purpose, granting a nationwide cable television franchise to provide competition.

Today, cable television is a series of local monopolies. Only 2 percent of the United States has competition, companies that those local franchises are aggressively marketing, Voice Over IP, telephone service, broadband, and giving them a triple play of video, broadband and voice services at a flat monthly rate.

In Houston, that monthly rate is about \$100 and you can get digital cable, high speed Internet and unlimited telephone calls from the cable company. To compete with the cable's triple-play monopoly, telephone companies need to spend billions to upgrade their networks to carry the high-definition cable television service and faster broadband.

The FCC has found that cable television rates drop 40 percent after competition. And that doesn't even factor in the consumer benefits from the triple play, so to speak, that you add, also the cost savings from telephone Internet and high speed cable service, definition service.

As a result, we should support granting national franchises for cable television service to spur competition. If we stick with local franchises, then there will be much less cable and triple-play competition.

The purpose of the bill is great, and I have had a number of concerns about the district I represent that is not a wealthy area. These concerns have been addressed.

For example, franchise areas are defined as they are today that would prevent telephone companies from cherry-picking areas out of existing franchises. This means that the bill's redlining provisions, drafted by my colleague from Illinois, BOBBY RUSH, would stop companies from picking and choosing the areas they want to serve. I would have preferred Mr. DINGELL's

approach, but again we don't have that opportunity, and it didn't pass in committee even though I voted for it.

However, I still strongly support the legislation because we have had several discussions with our local telecom company about their plans for competition in my area. As a result, I am confident that the build-out will increase in all areas of Houston, and they are not just going to go to the high-income areas; they will come to my low-wealth and my middle class area.

Mr. Chairman, I would like to place my full statement into the RECORD, and I would hope that this would be a compromise bill. I am sorry that our leadership and the committee didn't work it. But some day, hopefully, it will be the Barton-Dingell bill again.

Mr. Chairman, the COPE Act is a complex piece of legislation with a simple purpose: granting nationwide cable television franchises to provide competition.

Today cable television is a series of local monopolies—only 2 percent of the U.S. has competition.

Companies with these local franchises are aggressively marketing VOIP telephone service and broadband, giving them a "triple play" of video, broadband, and voice services at a flat monthly rate.

In Houston, for \$100 a month, you can get digital cable, high speed Internet, and unlimited telephone calls from the cable company.

To compete with cable's triple play monopoly, telephone companies need to spend billions to upgrade their networks to carry high-definition cable television service and faster broadband.

The Federal Communications Commission has found that cable television rates drop 40 percent after competition and that doesn't even factor in the consumer benefits of the triple play.

As a result, we should support granting national franchises for cable television service to spur competition. If we stick with local franchises, then there will be much less cable and triple play competition.

The purpose of the bill is great, but I did have a number of concerns about this legislation and its effects on the middle-class folks in my district. These concerns have been addressed.

For example, franchise areas in the bill were defined as they are today, which would prevent telephone companies from cherry-picking areas out of existing franchise areas.

This means that the bill's anti-redlining provisions, drafted by Congressman BOBBY RUSH, will stop companies from picking and choosing the areas they want to offer service.

I would have preferred the approach by Mr. DINGELL, which would have set reasonable, flexible guidelines for companies to build out their networks and offer new services.

I wish we could have considered Mr. DINGELL's amendment today, and I am disappointed that the Rules Committee rejected it.

They did a disservice to one of the most knowledgeable, respected Members in the history of Congress.

However, I can still strongly support this legislation because we have had several discussions with our local telecom company about their plans for competition in the Houston area.

As a result of those conversations, I am confident that buildout is going to increase in all areas of Houston and that they are not going to discriminate against our middle class and low wealth areas.

To all members who are concerned about the impact of this legislation on your district, I encourage you to contact your incumbent telecom company and meet with their local staff responsible for deployment, not just the DC staff. I think you will be happy with what you hear.

Cities are also concerned with their interests in franchising, but many of these concerns have been addressed. Cities will not lose any revenue as a result of this bill. The COPE Act allows 5 percent franchise fees and 1 percent public access fees.

Cities will also not lose any right-of-way control and to make sure, I included an amendment in Committee to require companies to certify in writing that they will obey local right of way rules.

I do regret that the usual bi-partisan telecom process between the leadership of our Committee has temporarily broken down.

Today is not the end of the road, so I hope this can still become a Barton-Dingell bill or a Dingell-Barton bill before all is said and done.

Mr. MARKEY. I yield 1 minute to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend from Massachusetts for his leadership on all of these issues.

Net neutrality would maintain the free and open Internet that exists today. This bill simply does not protect the right of consumers to a wide array of information and entertainment sources.

The Markey amendment would provide those essential protections by outlawing sweetheart deals between network operators, like the phone or cable companies, and Internet content providers.

Without net neutrality, buying company A's phone service might restrict you to Google and deny you Yahoo, might deny you CNN.com and only give you FoxNews.com.

American consumers deserve choice, whether they choose to use the Internet giant Google or the new start-up search engine. This amendment is about consumer choice. This amendment is about market competitiveness.

I urge you to join me in support of the Markey amendment in opposition to the bill.

Mr. UPTON. Mr. Chairman, I yield 2 minutes to a member of the Energy and Commerce Committee, the gentleman from Texas (Mr. BURGESS).

Mr. BURGESS. Mr. Chairman, I do want to thank Chairman BARTON, chairman of the Full Committee; and the gentleman from Michigan, who is the subcommittee chairman; as well as Vice Chairman PICKERING. And also we have enjoyed the bipartisan support from BOBBY RUSH on our committee.

This is truly a bipartisan product that was forged together after countless hours of negotiation. Its recent passage out of the Energy and Commerce Committee by a vote of 42-12 only underscores this point.

Mr. Chairman, I represent a district in north Texas, and there is a community within that area in north Texas named Keller. Keller, Texas, a very forward-thinking town of over 36,000 people. Keller is home to Verizon's first fiberoptic television system. What has happened since the fiberoptic system was introduced in the Keller market is that prices for cable TV are now 25 percent lower than they were before the entry into the video market. New services, new technologies, lower prices.

Consumers now have a choice, and over 30 percent of the market has signed up for this new fiberoptic service from Verizon. Clearly, people want choice. The citizens of Keller not only have access to one of the best telecommunications networks in the world, and a choice of providers, but they also get much better services at competitive prices.

What is even more intriguing is about a third of those new video customers were not previously cable customers. That means that these customers now are a new source of franchise fee revenue for the city of Keller.

Mr. Chairman, it is no accident that every member from Texas on the committee supports this bill. This past year the State of Texas passed legislation similar to that which we are considering here, removing the franchise fee from the local level. Texas is now at the forefront of video competition.

I sponsored H.R. 5252. I voted for it in committee. I will vote for it on the floor. I urge my colleagues to support this commonsense legislation as well.

Mr. MARKEY. Mr. Chairman, I yield myself 2 minutes.

This is a historic bill. Without question, the Republican majority is not respecting the importance of the issue.

Tonight, we will have a debate on net neutrality that will last 20 minutes, 10 minutes on either side. That is, without question, a disgrace. We debate week after week out here on the House floor, namings of post offices that each get 40 minutes. Here we are talking about an engine of economic growth which has transformed our economy and the global economy over the last 15 years. And it has done so with provisions which guaranteed nondiscrimination to the smallest players being able to enter with their ideas and communicate across our country and across the globe.

What the Republicans are doing tonight is they are refusing to have a debate on who is going to be benefited

from it. That is, will the telephone companies be responsible for building-out across all communities? Their bill says you don't have to, and they won't allow us an amendment out here on the floor so that we can have that debate.

Will there be redlining? We believe there should not be. The Republicans refuse to allow HILDA SOLIS's amendment out here on the floor so we can have a full debate on it.

Will there be a bill that passes tonight which is defeatist in terms of entrepreneurs and equal access, democratization of access to opportunity because of access to this new technology in every part of the community? Or will it be a bill that has a future orientation, looking ahead over the next century as to who Americans are going to be, what the nature of our economy is going to be in terms of these entrepreneurs playing this change agent role? Or will we have this bill that has been put together behind closed doors with the most powerful three or four companies in America, the telephone companies who had nothing to do with the construction of the Internet?

Mr. UPTON. Mr. Chairman, on behalf of Congressman RUSH, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN), an able member of the subcommittee.

Mr. WYNN. Mr. Chairman, I thank the committee chairman for his leadership, the subcommittee chairman for his leadership, as well as Mrs. BLACKBURN of Tennessee who worked with me on the Video Choice Act which was somewhat of a precursor to this bill.

I want to say, first of all, that this bill is not about net neutrality. The Google crowd, the Internet crowd does not care about cable rates. But this bill is about cable rates. And what we know today is that cable rates are too high in America. We know that consumers are paying as much as 80 percent increases over the last years in cable rates, and so that is what this bill seeks to address. It addresses it by trying to create more competition. And there is no disagreement that if we had more competition in video services we would have lower cable bills.

Now, there are new companies, telephone companies and other companies, that want to come into the market. But under current law, they have to negotiate hundreds of thousands of individual agreements with local governments. That is why we don't have more competition.

This bill creates a national franchise and says we can bring in new entrants to provide competitive services and lower prices. What happens with this? Well, we do protect the local communities because they still receive franchise fees from new entrants. We protect their rights to control their rights-of-way.

We also have antidiscrimination to protect against redlining. We have language that says that if you discriminate, you can and will be punished and

penalized. So I think this is a very good bill that addresses the fundamental issue, which is cable rates.

Let me turn for a moment to net neutrality. Understand, there is only finite space within the network. Everybody can't travel at top speed at the same time, so there has to be some differentiation. And ultimately, the issue is who will pay. Will the consumer pay, or will the content providers pay? That is the Google and the Internet and the innovators that they talk about. Those innovators, those people would rather have the consumer pay if there has to be a differentiation, if you want ultra-high speeds, if you want excessive amounts of the bandwidth.

I believe net neutrality is not a relevant issue here. I believe that we have a solid bill that addresses the fundamental concern, which is reducing cable rates. We have an opportunity to do something very good for the American people, and I think we ought to do it and pass the COPE bill.

Mr. MARKEY. I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman and Members, today I rise again in strong opposition to this bill. I support the efforts to increase competition in the video marketplace.

Greater competition, as we know, will inevitably help to create jobs and provide for lower consumer costs. But we must also make certain that benefits derived from a streamlined franchising process benefit consumers and not just the telecommunications industry.

The bill doesn't go far enough, in my opinion, to ensure that all communities have access to broadband Internet. Although the broadband access has increased greatly in recent years, the digital divide remains a reality in communities like mine, the ones that I represent in Los Angeles County in California.

In fact, in 2003, a study by the Pew Foundation found that those least likely to have broadband Internet access at home are the poor, the older, less educated and Latinos and African Americans; 60 percent of the constituents I represent in my district happen to be underserved Latinos.

While Latinos are the fastest growing demographic group of online users, only one in eight Latino households has access to broadband services.

Eleven Hispanic Members of this Congress and numerous civil rights organizations, consumer and Latino advocacy organizations weighed in in strong support of such language, including the Leadership Conference on Civil Rights; the Mexican American Legal Defense and Education Fund, known as MALDEF; the National Conference of Hispanic State Legislators; the Hispanic Federation; the National Puerto Rican Coalition; and the National Hispanic Bar Association. That is why these groups are urging a "no" vote on the bill.

The bill also weakens, in my opinion, consumer protections without providing strong enforcement for consumer rights. We should ensure that all States and localities retain the ability to establish consumer protection standards for video services. No one here knows the needs of the residents that I represent in Los Angeles, El Monte, West Covina, and other cities that I represent.

In fact, this week I received numerous letters that I will submit for the RECORD from cities in my district, including the City of Los Angeles, the newly elected mayor, Mayor Antonio Villaraigosa, urging me and others to oppose the bill.

I share with my colleagues' goals of passing legislation which promotes an increased competition, lower prices, improves the quality and access to developing brand-new services that help all consumers. But the digital divide, Members, remains a reality for many constituents in my district and many others across this country. We should not let this opportunity pass without addressing this fact. I would ask that we not let this opportunity pass without addressing the fact in an effective manner.

I urge my colleagues to oppose the bill. Furthermore, I would like to say that while we have had numerous discussions outside of the committee room regarding this bill, I still have not heard from the telephone companies and others that they would like to see strong language put in the bill to provide for protection so that we don't exclude communities like mine that I represent.

□ 1845

I am disheartened when I hear that there is a possibility that they will come into Los Angeles, but they will go around East Los Angeles and they won't attend to those constituents that I represent.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, rural America needs broadband now more than ever. The information society is in full swing with an abundant amount of choices and access to the infinite sources of information, yet there are those who may not have the same access to information and will therefore be left out in the cold.

As we move away from dial-up Internet to broadband via cable modem, DSL, satellite, and fiber-based networks, Congress should be enacting legislation that encourages broader network deployment. Without the proper economic incentives and regulatory environment, rural America will be left behind when the next generation networks are built.

That is why we must pass the COPE Act tonight. Not only does COPE open competition in the video market, but it also includes the proper regulatory light touch and the right incentives to

foster the deployment of advanced networks. More importantly, it creates incentives to build out these networks without the spending of government funds.

It is time to pass this bill and get broadband deployment moving in the right direction, the direction of rural America.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. UPTON. Mr. Chairman, I would yield on behalf of Mr. RUSH 1 minute to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I rise in support of the COPE Act. Fundamentally, it is all about promoting greater competition in the video service industry, what we often call cable, but is no longer limited to that delivery system.

We have all heard the complaints from our constituents about the rising cost of cable. For part of my district, the fact is there is no competitor to cable. Satellite TV signals can't magically go around tall buildings nor pass through them to reach someone on the other side. The COPE Act will speed competition into the video service industry and drive down prices.

I am also pleased with the VoIP provisions of the bill. I was an early proponent to require emergency 911 services for VoIP providers. I am also pleased that we cleaned up the rules for VoIP providers to interconnect, thus providing the same level playing field that C-LECs enjoyed. Finally, I was pleased to offer language requiring disabilities access with my colleague from Washington (Mr. INSLEE). With the support of Chairman UPTON, we have ensured that disabled Americans will be a full part of this broadband resolution.

We will consider a number of amendments today, some I will support because I believe that they will make this a better bill. I would have voted for the Baldwin and Solis amendments if they had been allowed to be put forth. Nevertheless, we start with a good base bill, and it will have my support on final passage regardless of which amendments pass. We have before us a bill that seeks to update our laws to keep pace with new technologies and new market realities.

Mr. MARKEY. Mr. Chairman, I continue to reserve my time.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from the Buckeye State, the chairman of the Financial Services Committee, Mr. OXLEY.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, it seems like old times debating a telecommunications bill. It has been a while since I had that opportunity, and I see some familiar faces on both sides. I first want to congratulate my good friend from Michigan for his concerted efforts on this legislation as well as Chairman BARTON and other members who have worked on this legislation.

This is a good solid follow-up of the 1996 Act. It recognizes market forces, it gets government out of picking winners and losers. I chair the Financial Service Committee now, and there have been some arguments about whether the net neutrality issue that the gentleman from Massachusetts will be offering will be a boon for the financial services industry. I am here to say that the financial services industry understands competition, they understand choice, they understand how markets work, and the folks that are represented in that financial services community will benefit by this legislation without the Markey amendment, and that is what is important to keep in mind.

This has been a great effort. I congratulate again all those who have put this bill on the floor today.

I rise in strong support of H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

I've been a believer in the power of competition in telecommunications since I came to Congress 25 years ago. The move from government regulation to market competition has totally changed the telecommunications landscape, and the consumer has been the big winner. There are more products, services, and choices than ever before.

I remember people looking at Congressman RICK BOUCHER and me like we were nuts when we first introduced a bill to allow telephone and cable companies to compete with each other. Since then, satellite TV and the Internet have joined the act and we have more channels than we know what to do with.

Some saw the spectrum auctions as a heretical idea. But they helped give birth to the cell phone industry, and now there's a kiosk in every mall begging for your business. Along the way, those auctions brought in billions of dollars for the U.S. Treasury and our own budgeters.

I was on the conference committee for the Telecommunications Reform Act of 1996, and the law has done a lot to promote private investment and consumer choice. But I'm not sure we ever fully broke the regulatory mindset at the bureaucratic level.

Ten years later, we're at the point where we need to see more investment in the advanced telecommunications systems vital to our international competitiveness. We trail some of our hungriest competitors in broadband deployment. And by next year, China may have more broadband subscribers than the United States.

There are still too many regulatory impediments holding back competition. H.R. 5252 does a good job of removing them, so we can unleash private capital on this national need.

Historically, video entrants—primarily cable companies—have been required to negotiate contracts, called franchises, with local governments before offering video service. With some 33,000 municipalities, this negotiating process is time consuming and costly, serving as a barrier to market access.

H.R. 5252 streamlines this process by creating a single, national approval process. This will open the door for telephone companies to enter the video services market and build out extensive new fiber-optic networks to compete with the cable industry whose network is al-

ready well established. The bottom line is a national franchise will open the door for more choices, better services and lower bills.

I am concerned about some of the potential amendments that, under the guise of "fairness," would just defeat the purpose of the bill.

The first is mandatory build-out requirements, which are nothing less than the government telling a business how to run itself. Requiring a new entry in a competitive market to deploy broadband everywhere at once, even when it's not economical, guarantees that nothing will be built. Market demand will make the case for broadband expansion soon enough.

Next, there seem to be new efforts to regulate the "last frontier," the Internet. I think the Internet has experienced explosive growth because for the most part, the government has kept its hands off by not taxing and regulating it to death.

But in the name of something called "net neutrality," some would have the government effectively impose free carriage requirements on the Internet and Internet backbone providers. Supporters claim that in order to "keep the internet as we know it" we must regulate the service providers. Regulating Internet Service Providers will stall investment, curbing the growth and innovation the Internet has fostered in the last decade.

Again, this is something best left to the market to figure out. And at this point, it seems to be a solution in search of an actual problem.

We are again at a pivotal point in telecommunications policy. At one time, telecom was one of the drivers of our economy and we need a full comeback. This bill will promote investment in the advanced networks that will keep the U.S. economy competitive in a fierce global marketplace. Let's again unleash the innovation of our telecom, cable, satellite, and Internet companies because when the rules are right, there are none in the world who are better.

Mr. BARTON of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just want to thank the distinguished chairman of the Financial Services Committee, Mr. OXLEY, for his leadership and his statement that he just made. It is greatly appreciated and it I think enlightens the debate.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute at this time.

Mr. Chairman, let me explain one of the real problems with this bill. In testimony before the Commerce Committee on this legislation, I asked the head of the national cable industry what they would do once this bill passed, and the answer was quite revealing. They said that after this bill passes, since the telephone companies are going to go into the wealthy side of town in order to deploy their new broadband systems, that under the legislation they no longer had any responsibility to serve the whole community. They had no responsibility to continue to upgrade on the other side of the town, which the cable industry is already serving, because every mayor always extracted that from every cable company as they came into town.

So we are going to wind up with a perverse situation where the cable industry on the poor side of town is able

to raise rates because the telephone companies won't promise to go there and actually compete against the cable company. And the Republicans oppose even having a debate on the House floor in order to accomplish that, and so we wind up with a situation where the wealthy people are going to have two competitors and have lower rates, and the poor people are going to have only one company that is saying they are going to raise rates because there will be no competition. It is a perverse result for cable subscribers in America.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I thank the chairman for yielding.

I rise today in support of H.R. 5252, and I want to discuss the so-called net neutrality provisions. The free Internet that we have today will remain free. If you can go there today, you will be able to go there tomorrow. If you would like to be able, in the future, to immediately download full-length movies and high definition video games and you are willing to pay for that greater bandwidth to do that, you will have the freedom to make that choice as well. If we take away these choices, it will be like trying to send a golf ball through a garden hose in terms of clogging up the bandwidth for everyone.

In a nutshell, it seems to me that more consumer freedom and less government regulation is the better approach. If down the road the telecommunication companies improperly restrict access to the Internet and the FCC fails to act, then we can drop the hammer on them. Until then, it seems like imposing new regulations on the Internet is a case of Big Brother being a big pain in the behind.

I urge my colleagues to vote "yes" on H.R. 5252.

I rise today in support of H.R. 5252, and I want to discuss the so-called "Net Neutrality" provisions.

I don't understand why we need new laws for a problem that doesn't yet exist. I've heard that some high-tech companies, like Yahoo and Google, are worried that certain cable or phone companies might block, or limit, consumers' internet access.

At this early stage, it seems to me that the market place will take care of that issue real quick. Consumers simply will not continue to purchase service from a provider that seeks to block or restrict their internet access.

For example, when I'm at my home in Orlando, Florida, I use Google and Yahoo nearly every day, and I get my high speed internet access through my local cable company, Bright House. If Bright House restricted my access to either Google or Yahoo, I would switch to my local phone company, BellSouth, so fast it would make your head spin. In other words, competition is what will keep companies on the straight and narrow.

The free internet that we have today will remain free. If you can go there today, you will be able to go there tomorrow.

If you would like to be able, in the future, to immediately download full-length movies and high-definition video games, and you're willing

to pay for the greater bandwidth to do that, you'll have the freedom to make that choice as well.

If we take away these choices, it will be like trying to send a ball through a garden hose in terms of clogging up the bandwidth for everyone.

In a nutshell, it seems to me, that more consumer freedom, and less government regulation, is the better approach. If, down the road, the telecommunications companies improperly restrict access to the internet, and the FCC fails to act, then we can drop the hammer on them.

Until then, it seems like imposing new regulations on the internet is a case of Big Brother being a big pain in the behind.

I urge my colleagues to vote "yes" on H.R. 5252.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, on behalf of Mr. RUSH of Illinois, I yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

(Ms. BEAN asked and was given permission to revise and extend her remarks.)

Ms. BEAN. Mr. Chairman, I thank Mr. RUSH for this opportunity to speak, and I thank him and my colleagues on both sides of the aisle for their work on this bill. As a new Member of this body who brings 20 years of experience in the tech sector, I rise today to speak in support of H.R. 5252.

Many of our constituents have one option for cable TV and one price. Our constituents desire choice. I believe this bill will provide much-needed modernization of our telecommunications laws to provide for improved competition for video services and lower prices for consumers. By overhauling current rules and speeding the entry of competitors in the market, we encourage competition and provide our constituents with new choices and cheaper bills.

To keep America competitive in the global economy, telecommunications companies will be expected to invest heavily in infrastructure. This bill will spur investment in broadband networks that will help bring America up to speed with other nations who have jumped ahead of us in broadband capacity.

Some colleagues have raised legitimate concerns about how to streamline our laws while advancing new technologies. I am confident this bill will ensure consumer choice and preserve innovation on the Net, respect rights for municipalities while establishing a new source of revenue for them, and strictly prohibiting discriminatory practices like redlining.

I encourage support.

Mr. MARKEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, so again we hear the argument that this is going to lower cable rates. And it will lower cable rates, I don't deny that, on the good side of town, which is where they are going with their Harvard Business School 3-by-5 card, "go to the wealthy

side of town and offer them a package of broadband services to compete against the cable companies." Rates are going down.

But the problem is on the other side of town, once this bill passes, once the telephone company comes into town, the cable company is no longer bound by the agreement that it made with the city. So the cable industry, and they testified to this in the committee, they can then raise rates on the parts of town that the telephone company is not going to go to and provide cable service.

So you are going to wind up with this incredible situation where we, that is, Congressmen in our parts of town, we are going to have lower cable rates. But people on the other side of town, and you don't have to be a summa cum laude, you from Harvard Business School, to understand this, the people on the other side of town are not going to get this service, because obviously the Republicans are protecting AT&T and Verizon by prohibiting us having this discussion here on the floor.

They won't even let the discussion take place, because they know that is what is going to happen, that the other side of town isn't going to get this service, because AT&T doesn't want us to have to mandate that if they are going into the town, they just can't cherry-pick the good parts of town. They are going to have to do everybody. And if they don't do everybody, what do you think is going to happen when there is no competition? Rates are going up in that part of town, because that part of the town will be a monopoly.

Mr. BARTON of Texas. Mr. Speaker, I want to yield 1 minute to a gentleman from Mississippi who doesn't have a degree from Harvard Business School, but he does have a degree from Ole Miss, CHIP PICKERING, the vice chairman of the full committee.

Mr. PICKERING. Mr. Chairman, I thank the chairman.

Having received an MBA from a great institution in the State of Texas, Baylor, I was taught that competition drives deployment, innovation, investment.

Why would the telephone companies have to go to both sides of the town? Because the cable companies are going with something called voiceover Internet, voice over cable systems, voice providers and other companies, into both sides of the town. And unless the telephone companies want to lose both sides of the town, they are going to have to go with video.

So more video choice, more voice choice, more investment, more innovation, greater competition. And that is why we will see benefits on all parts, in all parts of our country, and all sides of our cities and communities.

That is why this is a good bill. It makes a national framework, as it should do, as we go into an IP, Internet-based world. It is interstate. It is international. It should be done at the

FCC, not in a patchwork of entities all across the country, slowing deployment and investment.

I want to commend the great chairman from the Great State of Texas and the subcommittee chairman from Michigan, and I also want to thank our colleagues on the other side.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Chairman, I stand in opposition to the fact that the provisions that are going to be considered do not contain any language that would guard against discrimination, discrimination as to where people live, redlining. And we want to be sure that when we go into restructuring where we place our cable lines, I want to be sure no community is left out.

Unless we can see that language in the bill, I cannot support it. Communications are too important, and I don't want the cable companies choosing the high-end communities and leaving the low-end communities out of the cable network.

□ 1900

So I would hope that if we do not get a provision in the bill, and it looks like we are not going to, that we vote against it and try all over again.

This will affect every area of my district, and many districts in this country, if we do not put provisions in there to eliminate redlining, to be sure we have antidiscrimination clauses in there, and be sure that people do not have to come to the FCC to get rulings when they find they are underserved. I would suggest that we vote against the bill.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Chairman, competition is the backbone of innovation. Competition has enabled the Internet and scores of new technologies to be introduced to the marketplace, and it has changed the way we live, work and play.

Mr. Chairman, the COPE Act will ensure that competition and innovation continue to flourish. It will eliminate needless government barriers and has shown that the expansion of new technology and innovation comes when competition is alive and well.

Mr. Chairman, I urge my colleagues to vote in support of this piece of legislation. It will help drive prices down. It will help companies invest in future technology that will help make our lives better.

Mr. Chairman, I want to thank you, I want to thank the committee for giving me the opportunity to speak on this bill.

Mr. MARKEY. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, here is the really perverse part of this. The telephone company is going to come into town, and they are going to start offering lower rates on the good part of town, as they are delivering the service.

The people on the other side of town, the poorer part of town, are going to say, hey, do we get the lower rates too in town? Because under the cable-negotiated agreement with the city, everyone got the same rate in town.

Well, the telephone company will not offer that same lower rate to the other part of the town, only to the people on the good part of town, which is where they are going. So we said to the majority, the Republicans, well, let's make sure everyone in town gets that lower rate, because now we know what the rate should be for that community, because they are offering it to the good side of town.

The Republicans say, oh, no, we are not going to give the lower rate to the poor side of town where the telephone company is not going to, because they are not going there. And the cable industry says, fine, we are going to raise rates on that side of town because the telephone company is telling us we are not going there.

So we are going to have again this crazy situation where they are going to the homes, and we are going to wind up with this perverse result where they are going to the good side of town, they are going to the good communities. They are going to have lower cable rates because they are going to have competition. And the telephone companies have told us over and over and over again they are not going to the other side of town.

They are not going to the poorer communities, and we object to any amendment by Democrats on the floor that will make us do the poor part of town, that will make us go to the other side of town. We are going to fight it and we are going to ask the Republicans to not even allow for a debate on the House floor that will help the people on the poor side of town get the lower rates.

That is what this bill at its heart is all about tonight, the ability of the telephone companies to cherry-pick the wealthiest families in America to have competing cable service.

Mr. BARTON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON), our subcommittee chairman.

Mr. UPTON. Mr. Chairman, a couple of weeks ago, the Wall Street Journal ran a story headlined: "U.S. lags behind in high speed Internet access, ranking slips to 12th spot among 30 nations."

Today telecommunication providers offer a host of services, whether it be voice, data, or video. And this legislation, should it be enacted later this year like I think it will, will jump-start, jump-start that competition, as it will provide more competition, it will lower prices, probably in the range of \$30 to \$40 per household per month, nearly \$400 for the year, and I have to tell you that that is great for America.

Now, over the last year we have had plenty of hearings, lots of witnesses, input from almost every sector. It has

been a fair and open process from the start. And I commend my chairman, Joe Barton. He has done a magnificent job pulling together folks from all sides of the aisle, all different sides of the issues, to put together a bipartisan bill that we debate tonight.

Now, the document that we marked up in my subcommittee and then in full committee changed. It changed because of amendments that were debated and offered and accepted and voted on. And I have to tell you that after each step of that process, the bill was better. It was stronger and it was better. And the proof was in the pudding.

We passed the bill in subcommittee 27-4. We passed the bill in full committee, changed, 42-12. And I would note that when we introduced H.R. 5252, after the full committee markup process was completed, there were 15 Democrats from the Energy and Commerce Committee that asked that their names be listed as cosponsors.

Now, in some debate tonight we have talked about the cities, a question about right-of-way. Well, let us read the language in the bill. Page 19 says this: "Nothing in this act affects the authority of a State or local government to manage, on a reasonable, competitively neutral, and nondiscriminatory basis, the public rights-of-way and easements that have been dedicated for compatible use."

That protects the cities with rights-of-way. We protect the cities with a revenue stream. Most of them today have about a 5 percent revenue from the receipts that are collected. We add to that. It will be 6 percent, because we guarantee that that extra percent is going to go to the community access channels, what we call the PEG channels, the Public, Education, Government channels.

In fact, some of the studies that have come out show that the cities will gain revenues in the neighborhood of perhaps as much as 30 percent. We added an anti-redline provision that was offered by our friend, Mr. RUSH from Chicago. It was a great provision. It made the bill better. It was accepted, as I recall, on a voice vote.

The bottom line is this: if you are happy with the status quo, please vote "no" tonight. If you like cable rates going up, if you like the regulations, vote "no." But if you want change, please vote "yes."

Mr. MARKEY. Could I inquire of the Chair how much time is remaining?

The CHAIRMAN. The gentleman from Massachusetts (Mr. MARKEY) has 2½ minutes remaining. The gentleman from Texas (Mr. BARTON) has 3½ minutes remaining.

Mr. MARKEY. I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman. I know this has been hard work for members of the Energy and Commerce Committee. This is another

giant step in telecommunications, and now with the focus on broadband.

I recall, Mr. Chairman, the 1996 opportunity, and in fact I recall many, many years ago before I was in Congress the opportunities that led to the creation of BET. I hope as we go forward that we will be able to focus on small, medium, women-owned, minority-owned businesses that may engage in the cable franchising business.

I think as we make our way to the Senate and this bill comes back to the House, more emphasis needs to be focused on those generating opportunities. We are seeking, of course, to open telecommunications, broadband to the world. And to do that, it is also important that small businesses have the opportunity, both in terms of the franchise fees, and both in terms of mentoring by larger companies, so I hope that in working with my colleagues on Energy and Commerce and through the Senate, we will have the opportunity to put a focus on small, medium, women-owned and minority-owned businesses.

Mr. BARTON of Texas. Mr. Chairman, I yield 3½ minutes to the gentleman from Illinois (Mr. RUSH), my distinguished primary cosponsor on the Democrat side.

Mr. RUSH. Mr. Chairman, I want to thank the gentleman for yielding me time.

Mr. Chairman, I am from the other side of town. I live on the other side of town; and, Mr. Chairman, those who live on the other side of town understand the Biblical principle, the verse in the Bible that says, know ye the truth, and the truth shall set you free.

Mr. Chairman, there are some untruths that have been spoken today about this bill. This is a good bill. This is a marvelous bill. This is a bill that is worthwhile. This is a bill that will make a difference in the lives of the people who live on the other side of town.

Mr. Chairman, there are five truths about this legislation that I want to share with you. This legislation, number one, represents a huge step in bringing lower prices and more choices for cable services, not only from the other side of town, but from all of town, and also to the Nation.

Mr. Chairman, this bill will provide equitable competition amongst a variety of video service providers on the other side of town. Video service providers can compete in price, in quality, and in quantity. And the people on the other side of town, on my side of town, can finally decide which service provider they prefer.

Number two, Mr. Chairman, the second truth, this bill will create a nationwide approval process for pay TV services. The people on my side of town, on the other side of town, pay more money for cable TV services than any other demographic group within the Nation. And by streamlining this archaic franchise system, companies will be able to offer new TV services on

the other side of town, while also protecting the local interests.

The third truth. And this is a truth, Mr. Chairman, that I take to heart. I have spent all of my life fighting against discrimination. And I will never, never, ever be a sponsor or cosponsor or vote for a bill that allows for discrimination in any area of life within this Nation.

The third truth, Mr. Chairman, is that this bill will prohibit discrimination on the basis of income and give the FCC the power to impose stiff fines, up to \$500,000 a day, or revoke a provider's franchise area if there is willful or repeated violation of discrimination.

And it goes even beyond that. The burden of proof will be on the company and not on the consumer.

The fourth truth, Mr. Chairman, is that this bill also preserves net neutrality by allowing the FCC explicit power to go after companies that violate network neutrality principles.

And, Mr. Chairman, on network neutrality, let me just say this: network neutrality is a Trojan horse in this whole debate. It is not about build-out; it is not about access. The opponents of this bill are in favor of network neutrality, and they are not in favor, Mr. Chairman, of lowering cable costs for the people on the other side of town.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this bill is a failure. It fails the challenge to ensure that this broadband technology will be deployed in every neighborhood in America. The Bell Companies oppose it, and the Republicans are not going to allow us to even have that debate here on the House floor.

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Why is it important? Because in a post-GATT, post-NAFTA world, we have to make sure that every family and every child in every family has access to this high tech skillset which can only come from access to this broadband technology. The telephone companies do not want the responsibility to build out into the poor side of the town, the Republicans have not built that responsibility into the bill, and they have prohibited the Democrats from making that amendment. And their bill also fails the Internet. It fails the nondiscriminatory history of the Internet which has required, which has made possible for entrepreneurs and individuals on a nondiscriminatory basis, to use the Internet.

We want to have a debate on net neutrality. All the Republicans are willing to give to the proponents of the Net neutrality, the central constitutional protection built into the Internet for the last 20 years, is 10 minutes. That is a disgrace. The whole way we are making this bill is really a tribute to the Republican control of Congress and their lack of willingness to have full and open debate on the most important post-GATT, post-NAFTA issues we could debate, the access to a 21st cen-

tury skillset and the ability for entrepreneurs to use the information superhighway to create the new jobs. I urge a "no" vote on final passage on this bill.

Mr. STARK. Mr. Chairman, I rise in strong opposition to H.R. 5252, the so-called Communications Opportunity, Promotion and Enhancement Act of 2006, H.R. 5252.

Supporters of this bill claim that if telephone companies provide video services to compete with cable and satellite, rates will decrease and quality of service will increase.

I agree, but there is nothing in current law stopping phone companies from offering video services. Just ask Verizon, which currently offers fiber optic TV in 16 states—and counting. However, AT&T and others thought they could get a better deal from their Congressional benefactors. The Leave No Lobbyist Behind Republican Congress did not disappoint them.

This bill eliminates all requirements to build out service to an entire community, so if you want to benefit from competition, you better live on the right side of town with the rich people. Your city also better have enough money to have a lawyer permanently stationed in Washington, DC, because this bill gives the Federal Communications Commission, FCC, final say over all video services. Under current law, cities control when and where video providers dig up streets to lay cable and they set standards for customer service and billing. But small government Republicans think that the FCC knows better. They provide no new staff or money to handle this enormous responsibility, so expect a busy signal the next time you have a problem with your cable bill.

Finally, this bill was a critical opportunity to renew so-called "net neutrality" rules that require Internet Service Providers to treat all Web sites equally. When Google was being run out of a college dorm, the search page loaded just as quickly as Yahoo or MSN or the Comcast corporate Web site. The ability for so-called "garage inventors" to enter the market without paying a toll or suffering degraded service enabled the Internet's rapid growth and success. Those non-discrimination rules ended last year, and broadband providers have made no secret of their desire to extract a high price for continued service. Their multi-million dollar campaign to defeat a net neutrality amendment only confirms their insidious plans.

This gift to giant telecom companies, devoid of any worthwhile public policy, is a disgrace, and I urge my colleagues to join me in voting no.

Mr. BLUMENAUER. Mr. Chairman, I agree with the intent of the bill, which is to improve competitive choice for consumers, lower costs, and increase innovation. I hope that is where we will be at the end of this process. However, currently, I have profound concerns about the loss of local revenues, lack of assurances for universal access, and the potential for anti-competitive behavior by network providers.

This comes to the floor with significant problems for local governments. The COPE Act will reduce Public Education Government, PEG, funding for Portland and Multnomah County by \$2.4 million each year.

Proponents argue that more competitors will increase local revenues. However, the revenue is based on the size of the customer population, thus more competitors will not necessarily result in more revenue than already

exists. This bill also grants new authorities to the FCC to resolve local and private disputes. I am uncertain that the FCC possesses the capacity to effectively handle these local issues.

In the spirit of preserving innovation and providing equal access to web surfers and businesses alike, the Internet must remain a non-discriminatory, egalitarian, and open playing field. This is an issue that has often been referred to as "net neutrality." I am concerned about the ability of the Internet to remain neutral and equal under the COPE Act.

This issue is particularly important to my district in Oregon as it has one of the highest broadband penetration rates in the country. I have received thousands of letters, e-mails, and phone calls from my constituents expressing concerns about the COPE Act's ability to safeguard the neutrality of the Internet. I support the Markey Amendment on network neutrality, which regrettably the House failed to adopt.

Lastly, I am concerned that the COPE Act does not ensure universal access for vital telecommunication services. Without strong "build out provisions," poor and rural areas in the country are at risk of falling behind. Telecom companies will be able to cherry pick the most profitable areas and force cable companies to follow suit in order to remain competitive. History suggests that it is unrealistic to expect one company to continue to invest in all of its regions if a competitor applies market pressure to small concentrated areas.

This bill is the start of a long conversation regarding how best to address telecommunications in this country. It is my strong belief that we will be revisiting the concerns I have outlined should this bill pass, and it is my hope that through the legislative process, we can provide the American people the telecom reform they deserve.

Mr. WELLER. Mr. Chairman, I rise today in support of the Communications Opportunity, Promotion and Enhancement Act of 2006 (COPE), H.R. 5252. This is an important, bipartisan bill that will benefit the consumers I represent, especially those in rural areas.

While the cost of wireless minutes has fallen more than 77 percent in the past 10 years, the cost of cable rates has done the exact opposite, increasing over 86 percent during that same time frame. The COPE bill will bring choice and competition to television and the Internet. Through this bill, the market will have a chance to expand to areas in which competition does not currently exist. As we have consistently seen in other industries, competition helps the consumer through more choices and lower prices. For example, my own parents live in a small rural community. Mom and dad are retired on a fixed income. Like millions of other Americans living in small towns or rural communities, they have limited options when it comes to cable service. With the COPE bill, my parents and countless others will have increased access and competition.

It should be noted that this bill is about more than just lowering prices and creating a competitive marketplace. Significant benefits will be brought uniquely for rural communities. It will bring faster broadband to more places, especially rural areas. It will also mean the opportunity for distance learning and distance medical diagnosis and treatment for those living in rural communities. These are new and important opportunities for improving the quality of life for rural America.

This legislation really is about choice, competition, and rural access. I urge my colleagues to support the Barton-Rush COPE Act, an important bipartisan bill.

Mr. UDALL of Colorado. Mr. Chairman, while I have some reservations about the COPE Act, H.R. 5252, I will vote for it today.

There have been many changes in the telecommunications and cable industry in the 10 years since the last major revision of telecommunications law.

In 1996, telecommunication companies and cable companies provided very different services. Today though, these industries are providing very similar services and the distinctions in the old law are no longer as relevant. As a result, I believe it is time for us to make changes to our telecommunication laws that take into account the technological advances of the industry and the changes in the marketplace.

This bill would make some of those needed changes. However, I am concerned that its provisions, particularly those affecting the local franchise authorities, may go a little too far and do not do enough to allow localities and their constituents to adequately address right-of-way concerns in a timely fashion. I hope that Congress will be able to more fully address these concerns as this bill proceeds through the legislative process.

I supported the Markey amendment, even though its language would have needed some adjustments in conference particularly as it pertained to the "last mile" of Internet connectivity, because I thought it would improve the bill.

I was joined in this support for "net neutrality" by a wide variety of organizations whose members place a high value on unencumbered use of the internet—from AARP, ACLU and Gun Owners of America. I regret the amendment was not adopted.

However, even without that amendment this bill is an improvement over current law. It takes important steps to increase competition and reduce costs of cable and Internet. There is no doubt that the Internet has revolutionized how we do business, educate, and entertain. Making broadband services more affordable and accessible is vital to ensure we close the digital divide and allow businesses to benefit from new Internet-based technologies.

While this bill is not perfect, it is a good step forward. I believe it is important that we continue to work with the Senate to improve this bill and hope a conference report will continue to provide an increase in competition while protecting the freedom of the Internet.

Mr. GOODLATTE. Mr. Chairman, I rise in general support of this legislation, which will increase competition in the video services market by reducing the regulatory barriers that effectively bar new entrants into this important market. Competition will give consumers more choices and will help ensure the delivery of new and innovative services at lower prices.

However, I have concerns about the way this bill addresses the net neutrality issue. Specifically, this legislation was drafted such that it grants exclusive jurisdiction to the Federal Communications Commission to adjudicate complaints arising from anticompetitive practices of broadband providers. This grant of exclusive jurisdiction unfortunately puts into question whether the antitrust laws would apply when anticompetitive conduct arises in this area.

I believe in free market principles and the fact that government involvement often stifles innovation in the marketplace. However, I also believe that our Nation's antitrust laws have served as important guidelines to ensure that markets remain competitive and that these antitrust laws must remain applicable in the broadband services market.

I understand that Congressman LAMAR SMITH will offer an amendment today to expressly state that the antitrust laws do indeed apply despite the use of the word "exclusive" in the underlying bill. I support that clarification to ensure that our nation's antitrust laws continue to have full effect and continue to guard against anticompetitive conduct in the marketplace. However, I do not believe that this amendment goes far enough to discourage anticompetitive conduct in the Internet arena.

On the other hand, I do not believe that the amendment that will be offered by Congressman MARKEY is the right approach either. Specifically, that amendment would create more government red tape and hurdles for broadband providers by applying an FCC-focused overly regulatory approach to protecting the Internet. The way to ensure competition in the provision of broadband is not to bury broadband providers with more regulations.

I believe that competition in this area can be encouraged by setting forth clear and articulate guidelines that do not stifle innovation or the ability for broadband providers to recoup the investments they make in their infrastructures. Relatively minor amendments to our Nation's antitrust laws could be the right approach in this area. Unfortunately, neither this legislation, nor any of the amendments being offered today, contains such a narrowly-tailored and effective approach.

Despite my strong concerns about how the underlying bill handles the net neutrality issue, I will support this legislation because of the video services provisions that will increase competition and lower prices in that market. However, I look forward to working with all affected parties to ensure that robust competition remains the standard in the broadband services market.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise today to share my thoughts on H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

Similar to the 1996 telecommunications law that deregulated the phone and cable industries, I have examined this bill with the interests of my constituents in mind and a deep respect for the advancement of technological innovation.

As a result of this I have decided to vote in favor of H.R. 5252 as the bill provides the best we here in the House of Representatives could wish for with regard to the increased distribution of affordable cable services and a continued support of increased telecommunications innovation.

As with any complex bill, I do not agree with every aspect of the measure; however, I do feel that the measure provides the tools necessary to facilitate increased video choice for my district. Streamlining the video franchise process will help accelerate competition in the video market.

Constituents within my congressional district are crying out for increased competition and affordable cable rates and it is impossible for me to disregard their concerns by voting

against this, bill. According to the Federal Communications Commission, roughly 1.5 percent of markets have head-to-head competition for cable services.

Increased competition amongst cable providers will provide my constituents with consumer choice that is currently lacking. Consumers win when telecom carriers and cable operators compete head to head.

A multitude of service providers, each committed to indiscriminately serving my constituents regardless of income levels holds great promise for lower prices, better service and increased programming content and diverse ownership opportunities for minority and women-owned businesses.

Lastly, much has been said regarding the issue of net neutrality, the notion that broadband service providers should operate their networks in a nondiscriminatory manner.

While I agree wholeheartedly with this notion, I also feel that the government should not act too prematurely in intervening with the growth and innovation of the internet. The net neutrality bill presented before us tonight would impose a non-discriminate requirement on the internet backbone.

For years, the internet has blossomed, thanks in large part due the hands-off approach the federal government has taken. Currently I am satisfied with the language captured in H.R. 5252.

The bill gives the FCC strong authority to protect web access and internet applications by allowing the FCC to enforce its broadband principles that ensure consumers are entitled to: (1) Access the lawful internet content of their choice; (2) Run applications and services of their choice, subject to the needs of law enforcement; (3) Connect their choice of legal devices that do not harm the network; and (4) Competition among network providers, application and service providers, and content providers.

While I do not feel that additional action above and beyond the bill's current language at this time, I do support revisiting the issue in the event discriminatory conduct amongst internet service providers in the future.

Mr. CONYERS. Mr. Chairman, I rise against this legislation for several reasons. I fully support the concept of bringing competition to video, but the bill before us today contains some serious flaws and omissions that negate the positive intentions.

First, the bill does not contain meaningful net neutrality protections. All it does is reference the FCC's policy statement, which does not clearly delineate what a network provider can and cannot do. It provides the FCC with "exclusive" authority to define and adjudicate discriminatory broadband practices but also deprives the FCC of the authority to adopt rules on net neutrality. It only allows for case-by-case adjudication of complaints so that there will never be an order of general applicability.

Chairman SENSENBRENNER and I hoped that our net neutrality legislation, which passed the Judiciary Committee with bipartisan support, would be debated on the House floor today. Our amendment would have required that broadband service providers interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis. It also would have required them to operate their network in a reasonable and nondiscriminatory manner so that all content, applications and

services are treated the same and have an equal opportunity to reach consumers.

To the detriment of the COPE Act, the Rules Committee did not make our amendment in order. The Committee did make in order an amendment offered by Representative SMITH, which purports to preserve the antitrust laws for net neutrality but is actually nothing but a fig leaf. It changes nothing and does nothing to protect net neutrality. Of course the antitrust laws apply, but the Smith amendment does nothing to clarify how they apply and whether they apply to protect non-discrimination.

The failure to provide strong net neutrality rules is not the only flaw of the COPE Act. Again, while I support the goal of furthering competition in video, I could only endorse this approach with certain protections to ensure that the service is distributed equitably and fairly. The COPE Act does not include these important safeguards.

The COPE Act removes guarantees that all cable customers must be treated equally, regardless of race, color, nationality or sex because it permits providers to designate their franchise areas. As a result, a provider will be able to "cherry pick" those areas it wants to serve and totally bypass other parts of the community. And it allows national franchise holders to offer service in one area of a community at a higher rate in order to subsidize the provision of service to residents in a more competitive area of the community.

These are serious problems that detract from the ultimate goal of furthering competition in the provision of video services. As a result, I oppose this legislation and urge my colleagues to do the same.

Mr. BACHUS. Mr. Chairman, I support H.R. 5252. Communications technology today is advancing rapidly but communications law is not. H.R. 5252 will allow the law to not only "catch-up" with technology, but also to get out of the way so consumers may benefit from new innovations and competition for broadband video services.

It is odd to me that, at the same time we are streamlining our policy in one area, we are considering new regulation in another area that has enjoyed explosive growth and innovation precisely because it has been free of government regulation. Mr. Chairman, this is not the time to start regulating the Internet.

Some voices say new regulation is necessary to preserve the Internet and protect consumers. I do not agree. The Internet is growing and thriving without regulation. Until there is a specific problem to fix, I think Internet regulation is a heavy-handed solution in search of a problem that will have many unintended consequences.

It is important to remember that the FCC has already adopted principles designed to ensure that Internet services are provided in a fair and neutral manner. Provisions of H.R. 5252 reinforce these principles without imposing innovation stifling regulation. Plus, my colleague on the House Judiciary Committee, Mr. SMITH, is offering an amendment making it clear that our Nation's anti-trust laws are in place to protect consumers as well. I support his amendment and encourage my colleagues to approve H.R. 5252 and reject calls for Internet regulation.

Mr. OXLEY. Mr. Chairman, I rise in strong support of H.R. 5252, the Communications Opportunity, Promotion, and Enhancement Act of 2006.

I've been a believer in the power of competition in telecommunications since I came to Congress 25 years ago. The move from government regulation to market competition has totally changed the telecommunications landscape, and the consumer has been the big winner. There are more products, services, and choices than ever before.

I remember people looking at Congressman RICK BOUCHER and me like we were nuts when we first introduced a bill to allow telephone and cable companies to compete with each other. Since then, satellite TV and the Internet have joined the act and we have more channels than we know what to do with!

Some saw the spectrum auctions as a heretical idea. But they helped give birth to the cell phone industry, and now there's a kiosk in every mall begging for your business. Along the way, those auctions brought in billions of dollars for the U.S. Treasury and our own budgeters.

I was on the conference committee for the Telecommunications Reform Act of 1996, and the law has done a lot to promote private investment and consumer choice. But I'm not sure we ever fully broke the regulatory mindset at the bureaucratic level.

Ten years later, we're at the point where we need to see more investment in the advanced telecommunications systems vital to our international competitiveness. We trail some of our hungriest competitors in broadband deployment. And by next year, China may have more broadband subscribers than the United States.

There are still too many regulatory impediments holding back competition. H.R. 5252 does a good job of removing them, so we can unleash private capital on this national need.

Historically, video entrants—primarily cable companies—have been required to negotiate contracts, called franchises, with local governments before offering video service. With some 33,000 municipalities, this negotiating process is time consuming and costly, serving as a barrier to market access.

H.R. 5252 streamlines this process by creating a single, national approval process. This will open the door for telephone companies to enter the video services market and build out extensive new fiber-optic networks to compete with the cable industry whose network is already well established. The bottom line is a national franchise will open the door for more choices, better services and lower bills.

I am concerned about some of the potential amendments that, under the guise of "fairness", would just defeat the purpose of the bill.

The first is mandatory build-out requirements, which are nothing less than the government telling a business how to run itself. Requiring a new entry in a competitive market to deploy broadband everywhere at once, even when it's not economical, guarantees that nothing will be built. Market demand will make the case for broadband expansion soon enough.

Next, there seem to be new efforts to regulate the "last frontier", the Internet. I think the Internet has experienced explosive growth because for the most part, the government has kept its hands off by not taxing and regulating it to death.

But in the name of something called "net neutrality", some would have the government effectively impose free carriage requirements

on the Internet and Internet backbone providers. Supporters claim that in order to “keep the internet as we know it” we must regulate the service providers. Regulating Internet Service Providers will stall investment, curbing the growth and innovation the Internet has fostered in the last decade.

Again, this is something best left to the market to figure out. And at this point, it seems to be a solution in search of an actual problem.

We are again at a pivotal point in telecommunications policy. At one time, telecom was one of the drivers of our economy and we need a full comeback. This bill will promote investment in the advanced networks that will keep the U.S. economy competitive in a fierce global marketplace. Let's again unleash the innovation of our telecom, cable, satellite, and Internet companies because when the rules are right, there are none in the world who are better.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 5252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Communications Opportunity, Promotion, and Enhancement Act of 2006”.

(b) **TABLE OF CONTENTS.**—

Sec. 1. Short title; table of contents.

TITLE I—NATIONAL CABLE FRANCHISING

Sec. 101. National cable franchising.

Sec. 102. Definitions.

Sec. 103. Monitoring and reporting.

TITLE II—ENFORCEMENT OF BROADBAND POLICY STATEMENT

Sec. 201. Enforcement of broadband policy statement.

TITLE III—VOIP/911

Sec. 301. Emergency services; interconnection.

TITLE IV—MUNICIPAL PROVISION OF SERVICES

Sec. 401. Government authority to provide services.

TITLE V—BROADBAND SERVICE

Sec. 501. Stand-alone broadband service.

Sec. 502. Study of interference potential of broadband over power line systems.

TITLE VI—SEAMLESS MOBILITY

Sec. 601. Development of seamless mobility.

TITLE I—NATIONAL CABLE FRANCHISING **SEC. 101. NATIONAL CABLE FRANCHISING.**

(a) **AMENDMENT.**—Part III of title VI of the Communications Act of 1934 (47 U.S.C. 541 et seq.) is amended by adding at the end the following new section:

“SEC. 630. NATIONAL CABLE FRANCHISING.

“(a) **NATIONAL FRANCHISES.**—

“(1) **ELECTION.**—A person or group that is eligible under subsection (d) may elect to obtain a national franchise under this section as authority to provide cable service in a franchise area in lieu of any other authority under Federal, State, or local law to provide cable service in such franchise area. A person or group may not provide cable service under the authority of this section in a franchise area unless such person or group has a franchise under this section that is effective with

respect to such franchise area. A franchising authority may not require any person or group that has a national franchise under this section in effect with respect to a franchise area to obtain a franchise under section 621 or any other law to provide cable service in such franchise area.

“(2) **CERTIFICATION.**—To obtain a national franchise under this section as authority to provide cable service in a franchise area, a person or group shall—

“(A) file with the Commission a certification for a national franchise containing the information required by paragraph (3) with respect to such franchise area, if such person or group has not previously obtained a national franchise; or

“(B) file with the Commission a subsequent certification for additional franchise areas containing the information required by paragraph (3) with respect to such additional franchise areas, if such person or group has previously obtained a national franchise.

“(3) **CONTENTS OF CERTIFICATION.**—Such certification shall be in such form as the Commission shall require by regulation and shall contain—

“(A) the name under which such person or group is offering or intends to offer cable service;

“(B) the names and business addresses of the directors and principal executive officers, or the persons performing similar functions, of such person or group;

“(C) the location of such person or group's principal business office;

“(D) the name, business address, electronic mail address, and telephone and fax number of such person or group's local agent;

“(E) a declaration by such person or group that such person or group is eligible under subsection (d) to obtain a national franchise under this section;

“(F) an identification of each franchise area in which such person or group intends to offer cable service pursuant to such certification, which franchise area shall be—

“(i) the entirety of a franchise area in which a cable operator is, on the date of the filing of such certification, authorized to provide cable service under section 621 or any other law (including this section); or

“(ii) a contiguous geographic area that covers the entirety of the jurisdiction of a unit of general local government, except that—

“(I) if the geographic area within the jurisdiction of such unit of general local government contains a franchise area in which a cable operator is, on such date, authorized to provide cable service under section 621 or any other law, the contiguous geographic area identified in the certification under this clause as a franchise area shall not include the area contained in the franchise area of such cable operator; and

“(II) if such contiguous geographic area includes areas that are, respectively, within the jurisdiction of different franchising authorities, the certification shall specify each such area as a separate franchise area;

“(G) a declaration that such person or group transmitted, or will transmit on the day of filing such declaration, a copy of such certification to the franchising authority for each franchise area for which such person or group is filing a certification to offer cable service under this section;

“(H) a declaration by the person or group that the person or group will comply with the rights-of-way requirements of the franchising authority under subsection (f); and

“(I) a declaration by the person or group that—

“(i) the person or group will comply with all Commission consumer protection and customer service rules under section 632(b) and subsection (g) of this section; and

“(ii) the person or group agrees that such standards may be enforced by the Commission or by the franchising authority in accordance with subsection (g) of this section.

“(4) **LOCAL NOTIFICATION; PRESERVATION OF OPPORTUNITY TO NEGOTIATE.**—

“(A) **COPY TO FRANCHISING AUTHORITY.**—On the day of filing any certification under paragraph (2)(A) or (B) for a franchise area, the person or group shall transmit a copy of such certification to the franchising authority for such area.

“(B) **NEGOTIATED FRANCHISE AGREEMENTS PERMITTED.**—Nothing in this section shall prevent a person or group from negotiating a franchise agreement or any other authority to provide cable service in a franchise area under section 621 or any other law. Upon entry into any such negotiated franchise agreement, such negotiated franchise agreement shall apply in lieu of any national franchise held by that person or group under this section for such franchise area.

“(5) **UPDATING OF CERTIFICATIONS.**—A person or group that files a certification under this section shall update any information contained in such certification that is no longer accurate and correct.

“(6) **PUBLIC AVAILABILITY OF CERTIFICATIONS.**—The Commission shall provide for the public availability on the Commission's Internet website or other electronic facility of all current certifications filed under this section.

“(b) **EFFECTIVENESS; DURATION.**—

“(1) **EFFECTIVENESS.**—A national franchise under this section shall be effective with respect to any franchise area 30 days after the date of the filing of a completed certification under subsection (a)(2)(A) or (B) that applies to such franchise area.

“(2) **DURATION.**—

“(A) **IN GENERAL.**—A franchise under this section that applies to a franchise area shall be effective for that franchise area for a term of 10 years.

“(B) **RENEWAL.**—A franchise under this section for a franchise area shall be renewed automatically upon expiration of the 10-year period described in subparagraph (A).

“(C) **PUBLIC HEARING.**—At the request of a franchising authority in a franchise area, a cable operator authorized under this section to provide cable service in such franchise area shall, within the last year of the 10-year period applicable under subparagraph (A) to the cable operator's franchise for such franchise area, participate in a public hearing on the cable operator's performance in the franchise area, including the cable operator's compliance with the requirements of this title. The hearing shall afford the public the opportunity to participate for the purpose of identifying cable-related community needs and interests and assessing the operator's performance. The cable operator shall provide notice to its subscribers of the hearing at least 30 days prior to the hearing.

“(D) **REVOCATION.**—A franchise under this section for a franchise area may be revoked by the Commission—

“(i) for willful or repeated violation of any Federal or State law, or any Commission regulation, relating to the provision of cable service in such franchise area;

“(ii) for false statements or material omissions knowingly made in any filing with the Commission relating to the provision of cable service in such franchise area;

“(iii) for willful or repeated violation of the rights-of-way management laws or regulations of any franchising authority in such franchise area relating to the provision of cable service in such franchise area; or

“(iv) for willful or repeated violation of the antidiscrimination requirement of subsection (h) with respect to such franchise area.

“(E) NOTICE.—The Commission shall send a notice of such revocation to each franchising authority with jurisdiction over the franchise areas for which the cable operator's franchise was revoked.

“(F) REINSTATEMENT.—After a revocation under subparagraph (D) of a franchise for a franchise area of any person or group, the Commission may refuse to accept for filing a new certification for authority of such person or group to provide cable service under this section in such franchise area until the Commission determines that the basis of such revocation has been remedied.

“(G) RETURN TO LOCAL FRANCHISING IF CABLE COMPETITION CEASES.—

“(i) If only one cable operator is providing cable service in a franchise area, and that cable operator obtained a national franchise for such franchise area under subsection (d)(2), the franchising authority for such franchise area may file a petition with the Commission requesting that the Commission terminate such national franchise for such franchise area.

“(ii) The Commission shall provide public notice and opportunity to comment on such petition. If it finds that the requirements of clause (i) are satisfied, the Commission shall issue an order granting such petition. Such order shall take effect one year from the date of such grant, if no other cable operator offers cable service in such area during that one year. If another cable operator does offer cable service in such franchise area during that one year, the Commission shall rescind such order and dismiss such petition.

“(iii) A cable operator whose national franchise is terminated for such franchise area under this subparagraph may obtain new authority to provide cable service in such franchise area under this section, section 621, or any other law, if and when eligible.

“(C) REQUIREMENTS OF NATIONAL FRANCHISE.—A national franchise shall contain the following requirements:

“(1) FRANCHISE FEE.—A cable operator authorized under this section to provide cable service in a franchise area shall pay to the franchising authority in such franchise area a franchise fee of up to 5 percent (as determined by the franchising authority) of such cable operator's gross revenues from the provision of cable service under this section in such franchise area. Such payment shall be assessed and collected in a manner consistent with section 622 and the definition of gross revenues in this section.

“(2) PEG/I-NET REQUIREMENTS.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the requirements of subsection (e).

“(3) RIGHTS-OF-WAY.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the rights-of-way requirements of the franchising authority under subsection (f).

“(4) CONSUMER PROTECTION AND CUSTOMER SERVICE STANDARDS.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the consumer protection and customer service standards established by the Commission under section 632(b).

“(5) CHILD PORNOGRAPHY.—A cable operator authorized under this section to provide cable service in a franchise area shall comply with the regulations on child pornography promulgated pursuant to subsection (i).

“(d) ELIGIBILITY FOR NATIONAL FRANCHISES.—The following persons or groups are eligible to obtain a national franchise under this section:

“(1) COMMENCEMENT OF SERVICE AFTER ENACTMENT.—A person or group that is not providing cable service in a franchise area on

the date of enactment of this section under section 621 or any other law may obtain a national franchise under this section to provide cable service in such franchise area.

“(2) EXISTING PROVIDERS OF CABLE SERVICE.—A person or group that is providing cable service in a franchise area on the date of enactment of this section under section 621 or any other law may obtain a franchise under this section to provide cable service in such franchise area if, on the date that the national franchise becomes effective, another person or group is providing cable service under this section, section 621, or any other law in such franchise area.

“(e) PUBLIC, EDUCATIONAL, AND GOVERNMENTAL USE.—

“(1) IN GENERAL.—Subject to paragraph (3), a cable operator with a national franchise for a franchise area under this section shall provide channel capacity for public, educational, and governmental use that is not less than the channel capacity required of the cable operator with the most subscribers in such franchise area on the effective date of such national franchise. If there is no other cable operator in such franchise area on the effective date of such national franchise, or there is no other cable operator in such franchise area on such date that is required to provide channel capacity for public, educational, and governmental use, the cable operator shall provide the amount of channel capacity for such use as determined by Commission rule.

“(2) PEG AND I-NET FINANCIAL SUPPORT.—A cable operator with a national franchise under this section for a franchise area shall pay an amount equal to 1 percent of the cable operator's gross revenues (as such term is defined in this section) in the franchise area to the franchising authority for the support of public, educational, and governmental use and institutional networks (as such term is defined in section 611(f)). Such payment shall be assessed and collected in a manner consistent with section 622, including the authority of the cable operator to designate that portion of a subscriber's bill attributable to such payment. A cable operator that provided cable service in a franchise area on the date of enactment of this section and that obtains a national franchise under this section shall continue to provide any institutional network that it was required to provide in such franchise area under section 621 or any other law. Notwithstanding section 621(b)(3)(D), a franchising authority may not require a cable operator franchised under this section to construct a new institutional network.

“(3) ADJUSTMENT.—Every 10 years after the commencement of a franchise under this section for a franchise area, a franchising authority may require a cable operator authorized under such franchise to increase the channel capacity designated for public, educational, or governmental use, and the channel capacity designated for such use on any institutional networks required under paragraph (2). Such increase shall not exceed the higher of—

“(A) one channel; or

“(B) 10 percent of the public, educational, or governmental channel capacity required of that operator prior to the increase.

“(4) TRANSMISSION AND PRODUCTION OF PROGRAMMING.—

“(A) A cable operator franchised under this section shall ensure that all subscribers receive any public, educational, or governmental programming carried by the cable operator within the subscriber's franchise area.

“(B) The production of any programming provided under this subsection shall be the responsibility of the franchising authority.

“(C) A cable operator franchised under this section shall be responsible for the transmission from the signal origination point (or points) of the programming, or from the point of interconnection with another cable operator under subparagraph (D), to the cable operator's subscribers, of any public, educational, or governmental programming produced by or for the franchising authority and carried by the cable operator pursuant to this section.

“(D) Unless two cable operators otherwise agree to the terms for interconnection and cost sharing, such cable operators shall comply with regulations prescribed by the Commission providing for—

“(i) the interconnection between two cable operators in a franchise area for transmission of public, educational, or governmental programming, without material deterioration in signal quality or functionality; and

“(ii) the reasonable allocation of the costs of such interconnection between such cable operators.

“(E) A cable operator shall display the program information for public, educational, or governmental programming carried under this subsection in any print or electronic program guide in the same manner in which it displays program information for other video programming in the franchise area. The cable operator shall not omit such public, educational, or governmental programming from any navigational device, guide, or menu containing other video programming that is available to subscribers in the franchise area.

“(f) RIGHTS-OF-WAY.—

“(1) AUTHORITY TO USE.—Any franchise under this section for a franchise area shall be construed to authorize the construction of a cable system over public rights-of-way, and through easements, which is within the area to be served by the cable system and which have been dedicated for compatible uses, except that in using such easements the cable operator shall ensure that—

“(A) the safety, functioning, and appearance of the property and the convenience and the safety of other persons not be adversely affected by the installation or construction of facilities necessary for a cable system;

“(B) the cost of the installation, construction, operation, or removal of such facilities be borne by the cable operator or subscriber, or a combination of both; and

“(C) the owner of the property be justly compensated by the cable operator for any damages caused by the installation, construction, operation, or removal of such facilities by the cable operator.

“(2) MANAGEMENT OF PUBLIC RIGHTS-OF-WAY.—Nothing in this Act affects the authority of a State or local government (including a franchising authority) over a person or group in their capacity as a cable operator with a franchise under this section to manage, on a reasonable, competitively neutral, and non-discriminatory basis, the public rights-of-way, and easements that have been dedicated for compatible uses. A State or local government (including a franchising authority) may, on a reasonable, competitively neutral, and non-discriminatory basis—

“(A) impose charges for such management; and

“(B) require compliance with such management, such charges, and paragraphs (1)(A), (B), and (C).

“(g) CONSUMER PROTECTION AND CUSTOMER SERVICE.—

“(1) NATIONAL STANDARDS.—Notwithstanding section 632(d), no State or local law (including any regulation) shall impose on a cable operator franchised under this section any consumer protection or customer service

requirements other than consumer protection or customer service requirements of general applicability.

“(2) PROCEEDING.—Within 120 days after the date of enactment of this section, the Commission shall issue a report and order that updates for cable operators franchised under this section the national consumer protection and customer service rules under section 632(b), taking into consideration the national nature of a franchise under this section and the role of State and local governments in enforcing, but not creating, consumer protection and customer service standards for cable operators franchised under this section.

“(3) REQUIREMENTS OF NEW RULES.—

“(A) Such rules shall, in addition to the requirements of section 632(b), address, with specificity, no less than the following consumer protection and customer service issues:

“(i) Billing, billing disputes, and discontinuation of service, including when and how any late fees may be assessed (but not the amount of such fees).

“(ii) Loss of service or service quality.

“(iii) Changes in channel lineups or other cable services and features.

“(iv) Availability of parental control options.

“(B) Such rules shall require forfeiture penalties or customer rebates, or both, as determined by the Commission, that may be imposed for violations of such Commission rules in a franchise area, and shall provide for increased forfeiture penalties or customer rebates, or both, for repeated violations of the standards in such rules.

“(C) The Commission's rules shall also establish procedures by which any forfeiture penalty assessed by the Commission under this subsection shall be paid by the cable operator directly to the franchising authority.

“(D) The Commission shall report to the Congress no less than once a year—

“(i) on complaints filed, and penalties imposed, under this subsection; and

“(ii) on any new consumer protection or customer service issues arising under this subsection.

“(E) The Commission's rules established under this subsection shall be revised as needed.

“(4) COMPLAINTS.—Any person may file a complaint with respect to a violation of the regulations prescribed under section 632(b) in a franchise area by a cable operator franchised under this section—

“(A) with the franchising authority in such area; or

“(B) with the Commission.

“(5) LOCAL FRANCHISING ORDERS REQUIRING COMPLIANCE.—In a proceeding commenced with a franchising authority on such a complaint, a franchising authority may issue an order requiring compliance with any of such regulations prescribed by the Commission, but a franchising authority may not create any new standard or regulation, or expand upon or modify the Commission's standards or regulations.

“(6) ACCESS TO RECORDS.—In such a proceeding, the franchising authority may issue an order requiring the filing of any contract, agreement, or arrangement between the subscriber and the provider, or any other data, documents, or records, directly related to the alleged violation.

“(7) COMMISSION REMEDIES; APPEALS.—Unless appealed to the Commission, an order of a franchising authority under this subsection shall be enforced by the Commission. Any such appeal shall be resolved by the Commission within 30 days after receipt of the appeal by the Commission.

“(8) COST OF FRANCHISING AUTHORITY ORDERS.—A franchising authority may charge a

provider of cable service under this section a nominal fee to cover the costs of issuing such orders.

“(h) ANTIDISCRIMINATION.—

“(1) PROHIBITION.—A cable operator with a national franchise under this section to provide cable service in a franchise area shall not deny access to its cable service to any group of potential residential cable service subscribers in such franchise area because of the income of that group.

“(2) ENFORCEMENT.—

“(A) COMPLAINT.—If a franchising authority in a franchise area has reasonable cause to believe that a cable operator is in violation of this subsection with respect to such franchise area, the franchising authority may, after complying with subparagraph (B), file a complaint with the Commission alleging such violation.

“(B) NOTICE BY FRANCHISING AUTHORITY.—Before filing a complaint with the Commission under subparagraph (A), a franchising authority—

“(i) shall give notice of each alleged violation to the cable operator;

“(ii) shall provide a period of not less than 30 days for the cable operator to respond to such allegations; and

“(iii) during such period, may require the cable operator to submit a written response stating the reasons why the operator has not violated this subsection.

“(C) BIENNIAL REPORT.—A cable operator with a national franchise under this section for a franchise area, not later than 180 days after the effective date of such national franchise, and biennially thereafter, shall submit a report to the Commission and the franchising authority in the franchise area—

“(i) identifying the geographic areas in the franchise area where the cable operator offers cable service; and

“(ii) describing the cable operator's progress in extending cable service to other areas in the franchise area.

“(D) NOTICE BY COMMISSION.—Upon receipt of a complaint under this paragraph alleging a violation of this subsection by a cable operator, the Commission shall give notice of the complaint to the cable operator.

“(E) INVESTIGATION.—In investigating a complaint under this paragraph, the Commission may require a cable operator to disclose to the Commission such information and documents as the Commission deems necessary to determine whether the cable operator is in compliance with this subsection. The Commission shall maintain the confidentiality of any information or document collected under this subparagraph.

“(F) DEADLINE FOR RESOLUTION OF COMPLAINTS.—Not more than 60 days after the Commission receives a complaint under this paragraph, the Commission shall issue a determination with respect to each violation alleged in the complaint.

“(G) DETERMINATION.—If the Commission determines (in response to a complaint under this paragraph or on its own initiative) that a cable operator with a franchise under this section to provide cable service in a franchise area has denied access to its cable service to a group of potential residential cable service subscribers in such franchise area because of the income of that group, the Commission shall ensure that the cable operator extends access to that group within a reasonable period of time.

“(H) REMEDIES.—

“(i) IN GENERAL.—This subsection shall be enforced by the Commission under titles IV and V.

“(ii) MAXIMUM FORFEITURE PENALTY.—For purposes of section 503, the maximum forfeiture penalty applicable to a violation of this subsection shall be \$500,000 for each day of the violation.

“(iii) PAYMENT OF PENALTIES TO FRANCHISING AUTHORITY.—The Commission shall order any cable operator subject to a forfeiture penalty under this subsection to pay the penalty directly to the franchising authority involved.

“(i) CHILD PORNOGRAPHY.—Not later than 180 days after the date of enactment of this section, the Commission shall promulgate regulations to require a cable operator with a national franchise under this section to prevent the distribution of child pornography (as such term is defined in section 254(h)(7)(F)) over its network.

“(j) LEASED ACCESS.—The provisions of section 612(i) regarding the carriage of programming from a qualified minority programming source or from any qualified educational programming source shall apply to a cable operator franchised under this section to provide cable service in a franchise area.

“(k) APPLICABILITY OF OTHER PROVISIONS.—The following sections shall not apply in a franchise area to a person or group franchised under this section in such franchise area, or confer any authority to regulate or impose obligations on such person or group: Sections 611(a), 611(b), 611(c), 613(a), 617, 621 (other than subsections (b)(3)(A), (b)(3)(B), (b)(3)(C), and (c)), 624(b), 624(c), 624(h), 625, 626, 627, and 632(a).

“(l) EMERGENCY ALERTS.—Nothing in this Act shall be construed to prohibit a State or local government from accessing the emergency alert system of a cable operator with a franchise under this section in the area served by the State or local government to transmit local or regional emergency alerts.

“(m) REPORTING, RECORDS, AND AUDITS.—

“(1) REPORTING.—A cable operator with a franchise under this section to provide cable service in a franchise area shall make such periodic reports to the Commission and the franchising authority for such franchise area as the Commission may require to verify compliance with the fee obligations of subsections (c)(1) and (e)(2).

“(2) AVAILABILITY OF BOOKS AND RECORDS.—Upon request under paragraph (3) by a franchising authority for a franchise area, and upon request by the Commission, a cable operator with a national franchise for such franchise area shall make available its books and records to periodic audit by such franchising authority or the Commission, respectively.

“(3) FRANCHISING AUTHORITY AUDIT PROCEDURE.—A franchising authority may, upon reasonable written request, but no more than once in any 12-month period, review the business records of such cable operator to the extent reasonably necessary to ensure payment of the fees required by subsections (c)(1) and (e)(2). Such review may include the methodology used by such cable operator to assign portions of the revenue from cable service that may be bundled or functionally integrated with other services, capabilities, or applications. Such review shall be conducted in accordance with procedures established by the Commission.

“(4) COST RECOVERY.—

“(A) To the extent that the review under paragraph (3) identifies an underpayment of an amount meeting the minimum percentage specified in subparagraph (B) of the fee required under subsections (c)(1) and (e)(2) for the period of review, the cable operator shall reimburse the franchising authority the reasonable costs of any such review conducted by an independent third party, as determined by the Commission, with respect to such fee. The costs of any contingency fee arrangement between the franchising authority and the independent reviewer shall not be subject to reimbursement.

“(B) The Commission shall determine by rule the minimum percentage underpayment

that requires cost reimbursement under subparagraph (A).

“(5) LIMITATION.—Any fee that is not reviewed by a franchising authority within 3 years after it is paid or remitted shall not be subject to later review by the franchising authority under this subsection and shall be deemed accepted in full payment by the franchising authority.

“(n) ACCESS TO PROGRAMMING FOR SHARED FACILITIES.—

“(1) PROHIBITION.—A cable programming vendor in which a cable operator has an attributable interest shall not deny a cable operator with a national franchise under this section access to video programming solely because such cable operator uses a headend for its cable system that is also used, under a shared ownership or leasing agreement, as the headend for another cable system.

“(2) DEFINITION.—The term ‘cable programming vendor’ means a person engaged in the production, creation, or wholesale distribution for sale of video programming which is primarily intended for the direct receipt by cable operators for their retransmission to cable subscribers.

“(o) GROSS REVENUES.—As used in this section:

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), the term ‘gross revenues’ means all consideration of any kind or nature, including cash, credits, property, and in-kind contributions (services or goods) received by the cable operator from the provision of cable service within the franchise area.

“(2) INCLUDED ITEMS.—Subject to paragraph (3), the term ‘gross revenues’ shall include the following:

“(A) all charges and fees paid by subscribers for the provision of cable service, including fees attributable to cable service when sold individually or as part of a package or bundle, or functionally integrated, with services other than cable service;

“(B) any franchise fee imposed on the cable operator that is passed on to subscribers;

“(C) compensation received by the cable operator for promotion or exhibition of any products or services over the cable service, such as on ‘home shopping’ or similar programming;

“(D) revenue received by the cable operator as compensation for carriage of video programming or other programming service on that operator’s cable service;

“(E) all revenue derived from the cable operator’s cable service pursuant to compensation arrangements for advertising; and

“(F) any advertising commissions paid to an affiliated third party for cable services advertising.

“(3) EXCLUDED ITEMS.—The term ‘gross revenues’ shall not include the following:

“(A) any revenue not actually received, even if billed, such as bad debt net of any recoveries of bad debt;

“(B) refunds, rebates, credits, or discounts to subscribers or a municipality to the extent not already offset by subparagraph (A) and to the extent such refund, rebate, credit, or discount is attributable to the cable service;

“(C) subject to paragraph (4), any revenues received by the cable operator or its affiliates from the provision of services or capabilities other than cable service, including telecommunications services, Internet access services, and services, capabilities, and applications that may be sold as part of a package or bundle, or functionally integrated, with cable service;

“(D) any revenues received by the cable operator or its affiliates for the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing;

“(E) any amounts attributable to the provision of cable service to customers at no charge, including the provision of such service to public institutions without charge;

“(F) any tax, fee, or assessment of general applicability imposed on the customer or the transaction by a Federal, State, or local government or any other governmental entity, collected by the provider, and required to be remitted to the taxing entity, including sales and use taxes and utility user taxes;

“(G) any forgone revenue from the provision of cable service at no charge to any person, except that any forgone revenue exchanged for trades, barter, services, or other items of value shall be included in gross revenue;

“(H) sales of capital assets or surplus equipment;

“(I) reimbursement by programmers of marketing costs actually incurred by the cable operator for the introduction of new programming; and

“(J) the sale of cable services for resale to the extent the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect thereto.

“(4) FUNCTIONALLY INTEGRATED SERVICES.—In the case of a cable service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the cable operator’s revenue attributable to such other services, capabilities, or applications shall be included in gross revenue unless the cable operator can reasonably identify the division or exclusion of such revenue from its books and records that are kept in the regular course of business.

“(5) AFFILIATE REVENUE.—Revenue of an affiliate shall be included in the calculation of gross revenues to the extent the treatment of such revenue as revenue of the affiliate has the effect (whether intentional or unintentional) of evading the payment of franchise fees which would otherwise be paid for cable service.

“(6) AFFECT ON OTHER LAW.—Nothing in this section is intended to limit a franchising authority’s rights pursuant to section 622(h).

“(p) ADDITIONAL DEFINITIONS.—For purposes of this section:

“(1) CABLE OPERATOR.—The term ‘cable operator’ has the meaning provided in section 602(5) except that such term also includes a person or group with a national franchise under this section.

“(2) FRANCHISE FEE.—

“(A) The term ‘franchise fee’ includes any fee or assessment of any kind imposed by a franchising authority or other governmental entity on a person or group providing cable service in a franchise area under this section, or on a subscriber of such person or group, or both, solely because of their status as such.

“(B) The term ‘franchise fee’ does not include—

“(i) any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and a person or group providing cable service in a franchise area under this section (or the services of such person or group) but not including a fee or assessment which is unduly discriminatory against such person or group or the subscribers of such person or group);

“(ii) any fee assessed under subsection (e)(2) for support of public, educational, and governmental use and institutional networks (as such term is defined in section 611(f));

“(iii) requirements or charges under subsection (f)(2) for the management of public rights-of-way, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

“(iv) any fee imposed under title 17, United States Code.

“(3) INTERNET ACCESS SERVICE.—The term ‘Internet access service’ means a service that enables users to access content, information, electronic mail, or other services offered over the Internet.

“(4) UNIT OF GENERAL LOCAL GOVERNMENT.—The term ‘unit of general local government’ means—

“(A) a county, township, city, or political subdivision of a county, township, or city;

“(B) the District of Columbia; or

“(C) the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.”

(b) IMPLEMENTING REGULATIONS.—The Federal Communications Commission shall prescribe regulations to implement the amendment made by subsection (a) within 120 days after the date of enactment of this Act.

SEC. 102. DEFINITIONS.

Section 602 of the Communications Act of 1934 (47 U.S.C. 522) is amended—

(1) in paragraph (4), by inserting before the semicolon at the end the following: “, or its equivalent as determined by the Commission”;

(2) in paragraph (5)(A), by inserting “(regardless of whether such person or group provides such service separately or combined with a telecommunications service or information service)” after “over a cable system”; and

(3) by striking paragraph (6) and inserting the following:

“(6) the term ‘cable service’ means—

“(A)(i) the one-way transmission to subscribers of (I) video programming, or (II) other programming service; and

“(ii) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service; or

“(B) the transmission to subscribers of video programming or other programming service provided through wireline facilities located at least in part in the public rights-of-way, without regard to delivery technology, including Internet protocol technology, except to the extent that such video programming or other programming service is provided as part of—

“(i) a commercial mobile service (as such term is defined in section 332(d)); or

“(ii) an Internet access service (as such term is defined in section 630(p)).”

SEC. 103. MONITORING AND REPORTING.

(a) REPORT ON CABLE SERVICE DEPLOYMENT.—The Federal Communications Commission shall, commencing not later than one year after the date of enactment of this Act, issue a report annually on the deployment of cable service. In its report, the Commission shall describe in detail—

(1) with respect to deployment by new cable operators—

(A) the progress of deployment of such service within the telephone service area of cable operators, if the operator is also an incumbent local exchange carrier, including a comparison with the progress of deployment of broadband services not defined as cable services within such telephone service area;

(B) the number of franchise areas in which such service is being deployed and offered;

(C) where such service is not being deployed and offered; and

(D) the number and locations of franchise areas in which the cable operator is serving only a portion of the franchise area, and the extent of such service within the franchise area;

(2) the number and locations of franchise areas in which a cable operator with a franchise under section 621 of the Communications Act of 1934 (47 U.S.C. 541) on the date of

enactment of this Act withdraws service from any portion of the franchise area for which it previously offered service, and the extent of such withdrawal of service within the franchise area;

(3) the rates generally charged for cable service;

(4) the rates charged by overlapping, competing multichannel video programming distributors and by competing cable operators for comparable service or cable service;

(5) the average household income of those franchise areas or portions of franchise areas where cable services is being offered, and the average household income of those franchise areas, or portions of franchise areas, where cable service is not being offered;

(6) the proportion of rural households to urban households, as defined by the Bureau of the Census, in those franchise areas or portions of franchise areas where cable service is being offered, and the proportion of rural households to urban households in those franchise areas or portions of franchise areas where cable service is not being offered, including a State-by-State breakdown of such data and a comparison with the overall ratio of rural and urban households in each State; and

(7) a comparison of the services and rates in areas served by national franchisees under section 630 of the Communications Act of 1934 (as added by section 101 of this Act) and the services and rates in other areas.

(b) **CABLE OPERATOR REPORTS.**—The Federal Communications Commission is authorized—

(1) to require cable operators to report to the Commission all of the information that the Commission needs to compile the report required by this section; and

(2) to require cable operators to file the same information with the relevant franchising authorities and State commissions.

TITLE II—ENFORCEMENT OF BROADBAND POLICY STATEMENT

SEC. 201. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. ENFORCEMENT OF BROADBAND POLICY STATEMENT.

“(a) **AUTHORITY.**—The Commission shall have the authority to enforce the Commission's broadband policy statement and the principles incorporated therein.

“(b) **ENFORCEMENT.**—

“(1) **IN GENERAL.**—This section shall be enforced by the Commission under titles IV and V. A violation of the Commission's broadband policy statement or the principles incorporated therein shall be treated as a violation of this Act.

“(2) **MAXIMUM FORFEITURE PENALTY.**—For purposes of section 503, the maximum forfeiture penalty applicable to a violation described in paragraph (1) of this subsection shall be \$500,000 for each violation.

“(3) **ADJUDICATORY AUTHORITY.**—The Commission shall have exclusive authority to adjudicate any complaint alleging a violation of the broadband policy statement and the principles incorporated therein. The Commission shall complete an adjudicatory proceeding under this subsection not later than 90 days after receipt of the complaint. If, upon completion of an adjudicatory proceeding pursuant to this section, the Commission determines that such a violation has occurred, the Commission shall have authority to adopt an order to require the entity subject to the complaint to comply with the broadband policy statement and the principles incorporated therein. Such authority shall be in addition to the authority specified in paragraph (1) to enforce this section

under titles IV and V. In addition, the Commission shall have authority to adopt procedures for the adjudication of complaints alleging a violation of the broadband policy statement or principles incorporated therein.

“(4) **LIMITATION.**—Notwithstanding paragraph (1), the Commission's authority to enforce the broadband policy statement and the principles incorporated therein does not include authorization for the Commission to adopt or implement rules or regulations regarding enforcement of the broadband policy statement and the principles incorporated therein, with the sole exception of the authority to adopt procedures for the adjudication of complaints, as provided in paragraph (3).

“(c) **STUDY.**—Within 180 days after the date of enactment of this section, the Commission shall conduct, and submit to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation, a study regarding whether the objectives of the broadband policy statement and the principles incorporated therein are being achieved.

“(d) **DEFINITION.**—For purposes of this section, the term ‘Commission's broadband policy statement’ means the policy statement adopted on August 5, 2005, and issued on September 23, 2005, in the Matters of Appropriate Framework for Broadband Access to the Internet over Wireline Facilities, and other Matters (FCC 05–151; CC Docket No. 02–33; CC Docket No. 01–337; CC Docket Nos. 95–20, 98–10; GN Docket No. 00–185; CS Docket No. 02–52).”.

TITLE III—VOIP/911

SEC. 301. EMERGENCY SERVICES; INTERCONNECTION.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is further amended by adding after section 715 (as added by section 201 of this Act) the following new sections:

“SEC. 716. EMERGENCY SERVICES.

“(a) 911 and E-911 SERVICES.—

“(1) **IN GENERAL.**—Each VOIP service provider has a duty to ensure that 911 and E-911 services are provided to subscribers of VOIP services.

“(2) **USE OF EXISTING REGULATIONS.**—A VOIP service provider that complies with the Commission's regulations requiring providers of VOIP service to supply 911 and E911 capabilities to their customers (Report and Order in WC Docket Nos. 04–36 and 05–196) and that are in effect on the date of enactment of this section shall be considered to be in compliance with the requirements of this section, other than subsection (c), until such regulations are modified or superseded by subsequent regulations.

“(b) **NON-DISCRIMINATORY ACCESS TO CAPABILITIES.**—

“(1) **ACCESS.**—Each incumbent local exchange carrier (as such term is defined in section 251(h)) or government entity with ownership or control of the necessary E-911 infrastructure shall provide any requesting VOIP service provider with nondiscriminatory access to such infrastructure. Such carrier or entity shall provide access to the infrastructure at just and reasonable, non-discriminatory rates, terms, and conditions. Such access shall be consistent with industry standards established by the National Emergency Number Association or other applicable industry standards organizations.

“(2) **ENFORCEMENT.**—The Commission or a State commission may enforce the requirements of this subsection and the Commission's regulations thereunder. A VOIP service provider may obtain access to such infrastructure pursuant to section 717 by asserting the rights described in such section.

“(c) **NEW CUSTOMERS.**—A VOIP service provider shall make 911 service available to new customers within a reasonable time in accordance with the following requirements:

“(1) **CONNECTION TO SELECTIVE ROUTER.**—For all new customers not within the geographic areas where a VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider, or its third party vendor, shall have no more than 30 days from the date the VOIP provider has acquired a customer to order service providing connectivity to the selective router so that 911 service, or E911 service where the PSAP is capable of receiving and processing such information, can be provided through the selective router.

“(2) **INTERIM SERVICE.**—For all new customers not within the geographic areas where the VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider shall provide 911 service through—

“(A) an arrangement mutually agreed to by the VOIP service provider and the PSAP or PSAP governing authority; or

“(B) an emergency response center with national call routing capabilities.

Such service shall be provided 24 hours a day from the date a VOIP service provider has acquired a customer until the VOIP service provider can provide 911 service to the geographically appropriate PSAP.

“(3) **NOTICE.**—Before providing service to any new customer not within the geographic areas where the VOIP service provider can immediately provide 911 service to the geographically appropriate PSAP, a VOIP service provider shall provide such customer with clear notice that 911 service will be available only as described in paragraph (2).

“(4) **RESTRICTION ON ACQUISITION OF NEW CUSTOMERS.**—A VOIP service provider may not acquire new customers within a geographic area served by a selective router if, within 180 days of first acquiring a new customer in the area served by the selective router, the VOIP service provider does not provide 911 service, or E911 service where the PSAP is capable of receiving and processing such information, to the geographically appropriate PSAP for all existing customers served by the selective router.

“(5) **ENFORCEMENT: NO FIRST WARNINGS.**—Paragraph (5) of section 503(b) shall not apply to the assessment of forfeiture penalties for violations of this subsection or the regulations thereunder.

“(d) **STATE AUTHORITY.**—Nothing in this Act or any Commission regulation or order shall prevent the imposition on or collection from a VOIP service provider, of any fee or charge specifically designated or presented as dedicated by a State, political subdivision thereof, or Indian tribe on an equitable, and non-discriminatory basis for the support of 911 and E-911 services if no portion of the revenue derived from such fee or charge is obligated or expended for any purpose other than support of 911 and E-911 services or enhancements of such services.

“(e) **FEASIBILITY.**—In establishing requirements or obligations under subsections (a) and (b), the Commission shall ensure that such standards impose requirements or obligations on VOIP service providers and entities with ownership or control of necessary E-911 infrastructure that the Commission determines are technologically and operationally feasible. In determining the requirements and obligations that are technologically and operationally feasible, the Commission shall take into consideration available industry technological and operational standards.

“(f) **PROGRESS REPORTS.**—To the extent that the Commission concludes that it is not

technologically or operationally feasible for VOIP service providers to comply with E-911 requirements or obligations, then the Commission shall submit reports to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress in attaining and deploying E-911 service. Such reports shall be submitted semiannually until the Commission concludes that it is technologically and operationally feasible for all VOIP service providers to comply with E-911 requirements and obligations. Such reports may include any recommendations the Commission considers appropriate to encourage the migration of emergency services to TCP/IP protocol or other advanced services.

“(g) ACCESS TO INFORMATION.—The Commission shall have the authority to compile a list of PSAP contact information, testing procedures, and classes and types of services supported by PSAPs, or other information concerning the necessary E-911 infrastructure, for the purpose of assisting providers in complying with the requirements of this section.

“(h) EMERGENCY ROUTING NUMBER ADMINISTRATOR.—Within 30 days after the date of enactment of this section, the Federal Communications Commission shall establish an emergency routing number administrator to enable VOIP service providers to acquire non-dialable pseudo-automatic number identification numbers for 9-1-1 routing purposes on a national scale. The Commission may adopt such rules and practices as are necessary to guide such administrator in the fair and expeditious assignment of these numbers.

“(i) EMERGENCY RESPONSE SYSTEMS.—

“(1) NOTICE PRIOR TO INSTALLATION OR NUMBER ACTIVATION OF VOIP SERVICE.—Prior to installation or number activation of VOIP service for a customer, a VOIP service provider shall provide clear and conspicuous notice to the customer that—

“(A) such customer should arrange with his or her emergency response system provider, if any, to test such system after installation;

“(B) such customer should notify his or her emergency response system provider after VOIP service is installed; and

“(C) a battery backup is required for customer premises equipment installed in connection with the VOIP service in order for the signaling of such system to function in the event of a power outage.

“(2) DEFINITION.—In this subsection:

“(A) The term ‘emergency response system’ means an alarm or security system, or personal security or medical monitoring system, that is connected to an emergency response center by means of a telecommunications carrier or VOIP service provider.

“(B) The term ‘emergency response center’ means an entity that monitors transmissions from an emergency response system.

“(j) MIGRATION TO IP-ENABLED EMERGENCY NETWORK.—

“(1) NATIONAL REPORT.—No more than 18 months after the date of the enactment of this section, the National 911 Implementation and Coordination Office shall develop a report to Congress on migrating to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications.

“(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall—

“(A) outline the potential benefits of such a migration;

“(B) identify barriers that must be overcome and funding mechanisms to address those barriers;

“(C) include a proposed timetable, an outline of costs and potential savings;

“(D) provide recommendations on specific legislative language,

“(E) provide recommendations on any legislative changes, including updating definitions, to facilitate a national IP-enabled emergency network; and

“(F) assess, collect, and analyze the experiences of the PSAPs and related public safety authorities who are conducting trial deployments of IP-enabled emergency networks as of the date of enactment of this section.

“(3) CONSULTATION.—In developing the report required by paragraph (1), the Office shall consult with representatives of the public safety community, technology and telecommunications providers, and others it deems appropriate.

“(k) IMPLEMENTATION.—

“(1) DEADLINE.—The Commission shall prescribe regulations to implement this section within 120 days after the date of enactment of this section.

“(2) LIMITATION.—Nothing in this section shall be construed to permit the Commission to issue regulations that require or impose a specific technology or technological standard.

“(l) DEFINITIONS.—For purposes of this section:

“(1) VOIP SERVICE.—The term ‘VOIP service’ means a service that—

“(A) provides real-time 2-way voice communications transmitted through customer premises equipment using TCP/IP protocol, or a successor protocol (including when the voice communication is converted to or from TCP/IP protocol by the VOIP service provider and transmitted to the subscriber without use of circuit switching), for a fee;

“(B) is offered to the public, or such classes of users as to be effectively available to the public (whether part of a bundle of services or separately); and

“(C) has the capability so that the service can originate traffic to, and terminate traffic from, the public switched telephone network.

“(2) VOIP SERVICE PROVIDER.—The term ‘VOIP service provider’ means any person who provides or offers to provide a VOIP service.

“(3) NECESSARY E-911 INFRASTRUCTURE.—The term ‘necessary E-911 infrastructure’ means the selective routers, selective router databases, automatic location information databases, master street address guides, trunk lines between selective routers and PSAPs, trunk lines between automatic location information databases and PSAPs, and other 911 and E-911 equipment, facilities, databases, interfaces, and related capabilities specified by the Commission.

“(4) NON-DIALABLE PSEUDO-AUTOMATIC NUMBER IDENTIFICATION NUMBER.—The term ‘non-dialable pseudo-automatic number identification number’ means a number, consisting of the same number of digits as numbers used for automatic number identification, that is not a North American Numbering Plan telephone directory number and that may be used in place of an automatic number identification number to convey special meaning. The special meaning assigned to the non-dialable pseudo-automatic number identification number is determined by nationally standard agreements, or by individual agreements, as necessary, between the system originating the call, intermediate systems handling and routing the call, and the destination system.

“SEC. 717. RIGHTS AND OBLIGATIONS OF VOIP SERVICE PROVIDERS.

“(a) IN GENERAL.—

“(1) FACILITIES-BASED VOIP SERVICE PROVIDERS.—A facilities-based VOIP service provider shall have the same rights, duties, and obligations as a requesting telecommuni-

cations carrier under sections 251 and 252, if the provider elects to assert such rights.

“(2) VOIP SERVICE PROVIDERS.—A VOIP service provider that is not a facilities-based VOIP service provider shall have only the same rights, duties, and obligations as a requesting telecommunications carrier under sections 251(b), 251(e), and 252, if the provider elects to assert such rights.

“(3) CLARIFYING TREATMENT OF VOIP SERVICE.—A telecommunications carrier may use interconnection, services, and network elements obtained pursuant to sections 251 and 252 from an incumbent local exchange carrier (as such term is defined in section 251(h)) to exchange VOIP service traffic with such incumbent local exchange carrier regardless of the provider originating such VOIP service traffic, including an affiliate of such telecommunications carrier.

“(b) DISABLED ACCESS.—A VOIP service provider or a manufacturer of VOIP service equipment shall have the same rights, duties, and obligations as a telecommunications carrier or telecommunications equipment manufacturer, respectively, under sections 225, 255, and 710 of the Act. Within 1 year after the date of enactment of this Act, the Commission, in consultation with the Architectural and Transportation Barriers Compliance Board, shall prescribe such regulations as are necessary to implement this section. In implementing this subsection, the Commission shall consider whether a VOIP service provider or manufacturer of VOIP service equipment primarily markets such service or equipment as a substitute for telecommunications service, telecommunications equipment, customer premises equipment, or telecommunications relay services.

“(c) DEFINITIONS.—For purposes of this section:

“(1) FACILITIES-BASED VOIP SERVICE PROVIDER.—The term ‘facilities-based VOIP service provider’ means an entity that provides VOIP service over a physical facility that terminates at the end user’s location and which such entity or an affiliate owns or over which such entity or affiliate has exclusive use. An entity or affiliate shall be considered a facilities-based VOIP service provider only in those geographic areas where such terminating physical facilities are located.

“(2) VOIP SERVICE PROVIDER; VOIP SERVICE.—The terms ‘VOIP service provider’ and ‘VOIP service’ have the meanings given such terms by section 716(j).”

TITLE IV—MUNICIPAL PROVISION OF SERVICES

SEC. 401. GOVERNMENT AUTHORITY TO PROVIDE SERVICES.

(a) IN GENERAL.—Neither the Communications Act of 1934 nor any State statute, regulation, or other State legal requirement may prohibit or have the effect of prohibiting any public provider of telecommunications service, information service, or cable service (as such terms are defined in sections 3 and 602 of such Act) from providing such services to any person or entity.

(b) COMPETITION NEUTRALITY.—Any State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that is, owns, controls, or is otherwise affiliated with a public provider of telecommunications service, information service, or cable service shall not grant any preference or advantage to any such provider. Such entity shall apply its ordinances, rules, and policies, including those relating to the use of public rights-of-way, permitting, performance bonding, and reporting without discrimination in favor of any such provider as compared to other providers of such services.

(c) COMPLIANCE WITH OTHER LAWS NOT AFFECTED.—Nothing in this section shall exempt a public provider from any law or regulation that applies to providers of telecommunications service, information service, or cable service.

(d) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Federal Communications Commission shall submit to the Congress a report on the status of the provision of telecommunications service, information service, and cable service by States and political subdivisions thereof.

(e) DEFINITION OF PUBLIC PROVIDER.—For purposes of this section, the term “public provider” means a State or political subdivision thereof, or any agency, authority, or instrumentality of a State or political subdivision thereof, that provides telecommunications service, information service, or cable service, or any entity that is owned, controlled, or is otherwise affiliated with such State or political subdivision thereof, or agency, authority, or instrumentality of a State or political subdivision thereof.

TITLE V—BROADBAND SERVICE

SEC. 501. STAND-ALONE BROADBAND SERVICE.

Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is further amended by adding after section 717 (as added by section 301 of this Act) the following new section:

“SEC. 718. STAND-ALONE BROADBAND SERVICE.

“(a) PROHIBITION.—A broadband service provider shall not require a subscriber, as a condition on the purchase of any broadband service the provider offers, to purchase any cable service, telecommunications service, or VOIP service offered by the provider.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘broadband service’ means a two-way transmission service that connects to the Internet and transmits information at an average rate of at least 200 kilobits per second in at least one direction.

“(2) The term ‘broadband service provider’ means a person or entity that controls, operates, or resells and controls any facility used to provide broadband service to the public, by whatever technology and whether provided for a fee, in exchange for an explicit benefit, or for free.

“(3) The term ‘VOIP service’ has the meaning given such term by section 716(j).”

SEC. 502. STUDY OF INTERFERENCE POTENTIAL OF BROADBAND OVER POWER LINE SYSTEMS.

Within 90 days after the date of enactment of this Act, the Federal Communications Commission shall conduct, and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a study of the interference potential of broadband over power line systems.

TITLE VI—SEAMLESS MOBILITY

SEC. 601. DEVELOPMENT OF SEAMLESS MOBILITY.

(a) STREAMLINED REVIEW.—

(1) The Commission shall further the development of seamless mobility.

(2) Within 120 days after the date of enactment of this Act, the Commission shall implement a process for streamlined review and authorization of multi-mode devices that permit communication across multiple Internet protocol-enabled broadband platforms, facilities, and networks.

(b) STUDY.—The Commission shall undertake an inquiry to identify barriers to the achievement of seamless mobility. Within 180 days after the date of enactment of this Act, the Commission shall report to the Congress on its findings and its recommendations for steps to eliminate those barriers.

(c) DEFINITIONS.—For purposes of this section, the term “seamless mobility” means the ability of a communications device to select between and utilize multiple Internet protocol-enabled technology platforms, facilities, and networks in a real-time manner to provide a unified service.

The CHAIRMAN. No amendment to the bill is in order except those printed in House Report 109-491. Each amendment may be offered only in the order printed in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARTON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 109-491.

Mr. BARTON of Texas. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BARTON of Texas:

Page 5, line 4, strike “intends” and insert “seeks authority”.

Page 5, lines 13 and 23, and page 6, line 4, strike “contiguous”.

Page 5, beginning on line 17, strike “within the jurisdiction of such unit of general local government contains” and insert “overlaps with”.

Page 6, lines 1 and 2, strike “area contained in the franchise area of such cable operator” and insert “overlapping area”.

Page 6, line 15, after “certification” insert “for authority”.

Page 6, line 20, strike “under” and insert “in accordance with”.

Page 7, line 1, strike “and subsection (g) of this section” and insert “(including the rules adopted under section 632(b) pursuant to subsection (g) of this section)”.

Page 8, line 4, strike “that files” and insert “with”.

Page 9, line 19, after the period insert the following: “The Commission shall by rule specify the methods by which a franchising authority shall notify a cable operator of the hearing for which its participation is required under this subparagraph.”

Page 12, line 24, strike “definition of gross revenues” and insert “definitions of gross revenues and franchise fee”.

Page 15, line 25, after “to provide” insert “on the day before its national franchise became effective”.

Page 16, beginning on line 20, strike subparagraph (A) and insert the following:

“(A) A cable operator franchised under this section shall ensure that any public, educational, or governmental programming carried by the cable operator under this section within a franchise area is available to all of its subscribers in such franchise area.

Page 17, line 16, after “cable operators shall” insert “, if at least one of the operators is providing cable service in the franchise area pursuant to a franchise under this section,”.

Page 19, line 16, strike “Act” and insert “section”.

Page 22, line 7, strike “Congress” and insert “Committee on Energy and Commerce

of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate”.

Page 27, beginning on line 24, strike “The following sections” and insert “The provisions of this title that apply to a cable operator shall apply in a franchise area to a person or group with a national franchise under this section to provide cable service in such franchise area, except that the following sections”.

Page 28, line 3, before the colon insert “in such franchise area”.

Page 28, line 7, strike “Act” and insert “section”.

Page 29, line 22, strike “subsections (c)(1) and (e)(2)” and insert “subsection (c)(1) or (e)(2)”.

Page 30, line 22, after “cable operator” insert “with a national franchise”.

Page 38, line 5, strike “and”; on page 39, line 2, strike the period at the end of the line and insert a semicolon; and after such line insert the following:

(4) in paragraph (7)(D), by inserting after “section 653 of this title” the following: “except in a franchise area in which such system is used to provide cable service under a national franchise pursuant to section 630”;

(5) in paragraph (9)—

(A) by inserting “(A)” after “means”; and

(B) by inserting before the semicolon at the end the following: “; and (B) a national franchise that is effective under section 630 on the basis of a certification with the Commission”; and

(6) in paragraph (10), by inserting before the semicolon at the end the following: “, but does not include the Commission with respect to a national franchise under section 630”.

Page 39, line 8, before the period insert the following: “pursuant to the amendments made by this title”.

Page 41, after line 20, insert the following new section:

SEC. 104. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act shall affect the application or interpretation of section 224 of the Communications Act of 1934 (47 U.S.C. 224).

Page 53, line 24, after “for a fee” insert “or without a fee”.

Page 54, beginning on line 11, strike paragraph (3) and insert the following:

“(3) NECESSARY E-911 INFRASTRUCTURE.—The term ‘necessary E-911 infrastructure’ means the originating trucks to the selective routers, selective routers, databases (including automatic location information databases and master street address guides), trunks, or other related facilities necessary for the delivery and completion of 911 and E-911 calls, or other 911 and E-911 equipment, facilities, databases, interfaces, and related capabilities specified by the Commission.

Page 57, line 18, and page 60, line 13, strike “716(j)” and insert “716(l)”.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Texas (Mr. BARTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have continued to listen to the constructive comments from Members on both sides of the aisle as well as the comments of the cities and the affected stakeholders in this issue as the bill has moved from committee to discussion under the Rules Committee, and now to the floor

of the House of Representatives. We have tried to incorporate many of those constructive comments into the manager's amendment that is now before the House.

The amendment would do the following: It would clarify what constitutes a franchise area. This was a concern of Mr. DINGELL in the full committee markup.

It would clarify that a person or group seeking authority to provide service under a national franchise must agree to comply with all requirements the FCC Commission would promulgate pursuant to the consumer protection and customer services provisions in the bill.

Further, it clarifies that pursuant to a colloquy that I had with Mr. BOUCHER at the full committee markup, the manager's amendment would clarify that anyone with a national franchise shall be subject to all the cable operator provisions of title 6 of the Communications Act, except for those ones specifically in the pending bill.

It would also clarify that nothing in the legislation that affects existing pole attachment law. This was another concern of Mr. BOUCHER and others at full committee.

Mr. Chairman, I would urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume. I might add that I am not in opposition to the manager's amendment except to the extent to which the manager's amendment does not include language on nondiscrimination. Language which would ensure that all parts of a community receive the lower cable rates, not just the good parts of town where the telephone companies are going to deploy.

There is no provision in here that deals in a meaningful way with net neutrality to ensure that the Internet as we know it is preserved, protected for the future, that entrepreneurs know that they can have access to it without having to pay a discriminatory entry fee, that the telephone companies cannot tip these entrepreneurs upside down and shake money out of their pockets. That is the problem that I have with the manager's amendment. It is not that I object to what is in it. It is really what is not in it, what should have been included, what would have led to this bill being characterized as a bill which was balanced.

By the way, the bill which we had agreed upon on a handshake deal, Democrats and Republicans, was a balanced bill. It did include protections for the Internet. It did include protections for rate payers. But all of that, obviously, was objected to by the Bell companies.

Let me just make this point once again. The Bell companies had nothing to do with the creation of the Internet. The Bell companies had nothing to do with the development of the World Wide Web. The Bell companies had nothing to do with the browser in its development. In fact, AT&T was asked if they wanted to build the Internet, the packet switch network in 1966. They turned the contract down when the government went to them. And so a company named BB&N, Bolt, Betranick and Newman got the contract. It was a very small company, not AT&T.

They have had nothing to do with the development of the Internet, but now at this late date, they want to come in and to create these bottleneck control points that allow them to extract Internet taxes, Internet fees from companies and individuals who have been using the Internet for a generation.

It is this absence of nondiscriminatory language in the manager's amendment and in the bill to which I object, and I think as time goes on and, obviously, the majority has been unwilling to have this debate in the full light of day. We will be finishing this some time around midnight. And the key amendments, of course, were not even put in order for us to debate, with the exception of net neutrality which we will have 10 minutes to the proponents of net neutrality to make their case. You can barely explain the concept in 10 minutes, much less have a full debate on what the implications of it are. But that is all part of the plan by the telephone companies and the Republican majority not to have a full debate on it.

But the consequences for our country are going to be dramatic in the long run. It has taken a long time to get to this point where America has been the leader in the Internet. And tonight monopolies have arrived, finally, belatedly, as they have come to understand this technology. But a little bit of history is important to understand.

They never purchased their first foot of fiber optic until the government broke up AT&T in 1984. They never deployed their first broadband technology until 1997 after we passed the Telecommunications Act. It has always taken the government to ensure that AT&T, these telephone companies, do, in fact, innovate, such as the word can be used, when you are describing a telephone company.

The real storyline over the last 20 years has been hundreds of thousands of smaller companies using the Internet, innovating on the Internet, creating jobs and revolutionizing not only our own country's ability to communicate and create jobs, but the rest of the world's as well.

So I do not object to the manager's amendment for what is in it but rather for what is not in it. And, unfortunately, the same thing can be said for amendments which are not going to be debated here tonight because of the Re-

publican recalcitrance, their unwillingness to have a full blown debate on perhaps the central growth issue that we will have before the Congress on this session.

Mr. Chairman, I yield back the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I have no further requests for time. I urge a yes vote on the Barton manager's amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BARTON).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 109-491.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. JACKSON-LEE of Texas:

Page 15, line 16, before the period insert “, except that such amount shall be equal to 0.5 percent of such revenues in the case of a cable operator that is a small business concern owned and controlled by socially and economically disadvantaged individuals or a small business concern owned and controlled by women (as such terms are defined in section 8(d)(3) of the Small Business Act)”.

The CHAIRMAN. Pursuant to House Resolution 850, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the distinguished chairman. My amendment had very well founded and grounded intentions, and that is in this massive effort, the hard work of this committee, the fine leadership of Mr. DINGELL and Mr. MARKEY, fine leadership of Mr. BARTON and Mr. RUSH, all focus on greater opportunities. And so this amendment was to provide greater opportunity for, in fact, the small businesses, minority-owned businesses, women-owned businesses, businesses in rural areas to access, if you will, the broadband, the DSL, but opportunities to be a franchisee, if you will, and be able to have small entities that would be part of this massive reformation of this system.

So this was an effort to draw upon the funding for a particular programmatic provision in the legislation and to allow the small companies to pay less fees so they could be competitive enough to engage in what I think is a very, very important business.

I hope that as we make our way through this process of legislation and as we make our way to the Senate, we

will be reminded of language specifically that could ensure the energy of small businesses to be created. Someone gave me a terminology, I hope I have it correct, but the productivity of technology or the expansion of technology amongst many, many different groups and specifically the women-owned disadvantaged and small businesses. However, I am also aware of the fact that the peg programming supports stations like Access Houston and covers programming for issues dealing with women and minorities. So I am particularly sensitive to that issue.

Even with that in mind I do not want to eliminate, if you will, eliminate the opportunity for small businesses with this massive reformation of this broadband and DSL system as we move forward with this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I claim the time in opposition to the amendment although I am not opposed to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. I want to commend the gentlewoman from Houston for her leadership on this issue. I am somewhat unclear what her intentions are in terms of moving towards a vote. I will pledge to her to continue to work with her, if she were to withdraw the amendment, to reach a mutually acceptable resolution as we go to conference with the other body, but I am going to follow her yield or her wishes on the pending amendment.

If she calls it for a vote, I will vote yes on the amendment. If she wishes to withdraw it, I will work with her as we move forward in the normal channels of the legislative process.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentlewoman has 2½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the gentlewoman. Mr. Chairman, her amendment is a very worthwhile amendment. It goes a long way toward getting to the essence of a problem that I have determined is one of the barriers to economic parity within this Nation.

Mr. Chairman, we are sick and tired in my community of just being viewed as consumers of technology. We also want to be providers of technology. And this amendment, the Jackson-Lee amendment, would go a long way in making us providers of that amendment.

□ 1930

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to yield 30 seconds to the distinguished gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentlewoman for yielding.

I wanted to compliment her on her amendment because it focuses on a very important area and that is the diversity of technology providers, focusing on women-owned business, minority businesses and small businesses that want to compete as providers of technology, and the thrust of this bill is providing more competition. She recognizes it is providing an opportunity to help these small businesses compete.

There has been a lot of talk about build-out in neglected communities. One aspect of the bill that has not been considered is the fact that there are a lot of competitors who may go into other communities, underserved communities, who may be enthusiastic about the opportunities she is trying to provide.

So I wanted to indicate that she is on the right track with her amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the distinguished gentleman from Maryland for his comments.

I want to inquire of the gentleman from Massachusetts (Mr. MARKEY) and thank him for his leadership. We know the leadership you have given. We understand the dilemma I have here because I support programmatic funding that PEG provides as well. However, I think it is important that we have at least a language statement, if you will, about the importance of small, minority, women-owned businesses to be engaged in this superhighway and this new DSL and broadband.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman for raising this very important issue, and really, since the beginning of my career on the Telecommunications Subcommittee, working with Mickey Leland from your district, adding in language that ensured a larger percentage of minority participation in legislation, it is without question a high goal.

What I think we all want to be sure of here is that in communities it does not take resources away from municipalities that might have gone to those very same communities, but I think we can work together in order to accomplish that.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remaining time.

Let me thank Mr. MARKEY. I know of his history. Let me thank the chairman, Mr. RUSH and Mr. WYNN. I am passionate, as many of us are, about the embracing of small, minority, women-owned businesses and medium-owned businesses, and I like the terminology "provider of technology."

We want to make sure that we have extensive build-out. We want to make sure that we have the representation of our community, but I want to see some

producers. I accept the kind hand of the chairman and the ranking member of the subcommittee I believe of energy and commerce and Mr. WYNN and Mr. RUSH.

With that in order to ensure a program going forward, I would like to be able to work on this language further as it makes its way through the Senate and the conference.

Mr. Chairman, I respectfully ask to withdraw this amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. WYNN

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 109-491.

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WYNN:

Page 21, strike line 17 and all that follows through page 23, line 22, and insert the following:

"(B) The Commission's revised consumer protection rules shall provide for forfeiture penalties, or customer rebates, refunds or credits, or both, and shall establish forfeiture, rebate, refund, and credit guidelines with respect to violations of such rules. Such guidelines shall—

"(i) provide for increased forfeiture penalties for repeated violations of the standards in such rules; and

"(ii) establish procedures by which any forfeiture penalty assessed by the Commission under this subsection shall be paid by the cable operator directly to the franchising authority affected by the violation.

"(4) COMPLAINTS.—

"(A) IN GENERAL.—Any person may file a complaint with respect to an alleged violation of the Commission's revised consumer protection rules in a franchise area by a cable operator franchised under this section—

"(i) with the franchising authority in such area; or

"(ii) with the Commission.

"(B) LOCAL FRANCHISING AUTHORITY PROCEDURE.—On its own motion or at the request of any person, a franchising authority for a franchise area may—

"(i) initiate its own complaint proceeding with respect to such an alleged violation; or

"(ii) file a complaint with the Commission regarding such an alleged violation.

"(C) TIMING.—The Commission or the franchising authority conducting a proceeding under this paragraph shall render a decision on any complaint filed under this paragraph within 90 days of its filing.

"(5) LOCAL FRANCHISING ORDERS.—

"(A) REQUIRING COMPLIANCE.—In a proceeding commenced by a franchising authority, a franchising authority may issue an order requiring compliance with the Commission's revised consumer protection rules, but a franchising authority may not create any new standard or regulation, or expand upon or modify the Commission's revised consumer protection rules.

"(B) ACCESS TO RECORDS.—In such a proceeding, the franchising authority may issue an order requiring the filing of any data, documents, or records (including any contract, agreement, or arrangement between the subscriber and the cable operator) that are directly related to the alleged violation.

“(C) COST OF FRANCHISING AUTHORITY ORDERS.—A franchising authority may charge a cable operator franchised under this section a nominal fee to cover the costs of issuing orders under this paragraph.

“(6) COMMISSION REMEDIES; APPEALS.—

“(A) REMEDIES.—An order of a franchising authority under this subsection shall be enforced by the Commission under this Act if—

“(i) the order is not appealed to the Commission;

“(ii) the Commission does not agree to grant review during the 30-day period described in subparagraph (B); or

“(iii) the order is sustained on appeal by the Commission.

“(B) APPEALS.—Any party may file a notice of appeal of an order of a franchising authority under this subsection with the Commission, and shall transmit a copy of such notice to the other parties to the franchising authority proceeding. Such appeal shall be deemed denied at the end of the 30-day period beginning on the date of the filing unless the Commission agrees within such period to grant review of the appeal.

“(C) TIMING.—After the filing of a notice of appeal under subparagraph (B), if such notice is not denied by operation of such subparagraph, the Commission shall render a decision within 90 days of such filing.

“(7) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the implementation of this subsection, including the following:

“(i) The number of complaints filed with franchising authorities under clause (4)(A)(i).

“(ii) Any trends concerning complaints, such as increases in the number of particular types of complaints or in new types of complaints.

“(iii) The timeliness of the response of such franchising authorities and the results of the complaints filed with such franchising authorities, if not appealed to the Commission.

“(iv) The number of complaints filed with the Commission under clause (4)(A)(ii).

“(v) The number of appeals filed with the Commission under paragraph (6)(B) and the number of such appeals which the Commission agreed to hear.

“(vi) The timeliness of the Commission's responses to such complaints and appeals.

“(vii) The results of such complaints and appeals filed with the Commission.

“(B) SUBMISSION OF INFORMATION BY FRANCHISING AUTHORITIES.—The Commission may request franchising authorities to submit information about the complaints filed with the franchising authorities under subparagraph (4)(A)(i), including the number of such complaints and the timeliness of the response and the results of such complaints.

“(8) DEFINITION.—For purposes of this subsection, the term ‘Commission’s revised consumer protection rules’ means the national consumer protection and customer service rules under section 632(b) as revised by the Commission pursuant to paragraph (2) of this subsection.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Maryland (Mr. WYNN) and a Member opposed each will control 5 minutes.

Mr. DOYLE. Mr. Chairman, I do not oppose the amendment, but I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Maryland.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

One of the issues that came up as we began to develop this bill was consumer protection and the role of the local franchising authority in protecting the interests of local consumers.

The bill says that we will have a national franchise, and it also provides that under the national franchise the FCC will promulgate specific standards for consumer protection, dealing with issues such as billing disputes, discontinuation of service, loss of service, service quality, changes in channel line-up, other service features, the availability of parental controls.

The amendment that I have today basically says that, number one, an individual that has a complaint may file a complaint with the FCC or with the local franchising authority. It says that the FCC or the local franchising authority must render a decision in 90 days of the filing of a complaint. That is to address the concern that the complaint process, the consumer protection process, is too time consuming and imposes burdens on the franchisee.

Second, the amendment provides that the local franchising authority, the cities, the counties, the States, may initiate on their own a complaint proceeding and file that complaint with the FCC regarding a violation of the rules promulgated by the FCC. They may issue an order requiring that the franchisee comply with the FCC's consumer protection rules. This order will stand and may be enforced by the FCC unless it is successfully appealed.

This basically adds to the consumer protections already in the bill and enables both the individual and the local community to bring an action to enforce the rules that are set forth by the FCC to protect the consumer.

In addition, the amendment provides for an annual report, because one of the things that we wanted to see was what was going on out there once we had this new field of competition and new providers of video services. So we will have a study that will come back to our committee and our companion committee in the Senate telling us about the number of complaints the FCC has received, the trend in these complaints, the timeliness of the response to these complaints. We believe this type of information will be very useful in determining whether we need stronger rules and regulations on consumer protection.

In sum, this is a very simple and straightforward amendment that protects the consumers and involves the local communities, and I urge its adoption.

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Maryland.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman for yielding. This is a good amendment. I am very supportive and urge a “yes” vote on the Wynn amendment.

Mr. WYNN. Mr. Chairman, I thank my chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. DOYLE. Mr. Chairman, I yield myself such time as I may consume.

I want to thank my good friend from Maryland for offering a good amendment that is quite similar to the provisions of the Doyle-Dingell amendment that was ruled out of order. No sour grapes. It is a good amendment, worthy of support, but it only goes part of the way.

I want to make sure my friends and colleagues understand that settling for the Wynn amendment is like a football team declaring victory right after kickoff.

The Doyle-Dingell amendment would have been the equivalent of winning the Super Bowl, and I say that humbly, coming from Pittsburgh.

The Wynn amendment gives local governments the right to enforce consumer complaints and outlines an FCC backstop, just like the Doyle-Dingell amendment did.

Where this amendment stops is on the enforcement of the rest of the bill. If you agree with Mr. WYNN that the principle of local enforcement and an FCC appeal is a good one, and you should, you should also agree with that same principle for issues like public access and school channels, INETs, public hearings, as well as consumer protection like the Dingell-Doyle amendment would have.

While we are on the subject of enforcement, I want to make sure my friends are aware that the House will not debate an amendment to fix the COPE Act's rights-of-way boondoggle. For my friends who have gotten calls and letters from mayors in their districts, resolutions from city councils, this amendment, while good, does not address their larger concerns about their roads, their streets, and their other public property.

If local enforcement is such a good idea, and it is, then why should local governments not be allowed to enforce their own laws about their own streets? The COPE Act sends any dispute about streets and sidewalks to the FCC in Washington, D.C. That is a fundamental change. It is so far from how the law works today, and our body needed to debate that point.

America's cities and towns and consumers will benefit from the Wynn amendment, and I thank my friend from Maryland for offering it, but it is a 5-yard gain when America needs 80 yards to score.

Mr. Chairman, I reserve the balance of my time.

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

Let me begin by thanking the gentleman for his kind words with respect to my amendment, and I also want to thank him for his leadership, along with that of our ranking member on other issues of great concern.

I would only point out that he has acknowledged that having the FCC promulgate and allow local enforcement of this rule is a good idea. I thank you for that comment, and that is what this amendment attempts to do.

Are there other things that might be desirable? I would certainly concur with him that there are, but I would certainly appreciate support for the amendment because, as he has pointed out, it addresses at least part of the issue that local communities have expressed concern about.

Mr. Chairman, I yield back the balance of my time.

Mr. DOYLE. Mr. Chairman, I yield myself such time as I may consume.

I would just conclude by saying that it is better to have someone in the local jurisdiction who understands the problems of local government make these decisions than a bureaucrat down in Washington, D.C. If you want to have every municipality, every mayor, every city council have to hire a Washington attorney to go to the FCC to represent them when there is a dispute about a street opening, then we have not done a good enough job today on this bill.

The Wynn amendment is a good idea. It is a good principle. It goes halfway. It is a shame we could not have gone all the way and taken care of all the problems in this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. WYNN).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 109-491.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. EDDIE BERNICE JOHNSON of Texas:

Page 27, line 5, strike "\$500,000" and insert "\$750,000".

The CHAIRMAN. Pursuant to House Resolution 850, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me thank the chairman of the committee, also a Texan. I have an amendment before us today that is really unambiguous and straightforward in its intent.

The amendment increases the maximum forfeiture penalty in the anti-discrimination section from \$500,000 to \$750,000 if the FCC determines that a cable operator has denied access to its services to a group of potential services because of that group's income.

It is my respectful view that an increase of 50 percent to this bill's current penalty amount is a small price for a corporation that discriminates in the delivery of video or broadband services against communities that are crying out for increased competition and affordable cable prices.

Many of the constituents that I represent are heavy cable users and heavy telephone users. The gas prices are very high. Tickets to entertainment are very high, and so cable is generally their entertainment and the telephone keeps them in touch with companies. So it is a large use many times of the lower-income communities in my congressional district and throughout America that should not be relegated to second-class citizens with regard to their ability to enjoy the fruits of cable competition that this bill touts.

I am not thrilled that the Federal Communications Commission will be delving into discrimination matters that could impact an entire class of individuals. However, it is my belief that if the FCC is to be charged with enforcing antidiscrimination laws and levying correspondent fines, the agency, one, should be sensitive as possible to complaints filed by a local franchising authority that believes a cable operator with a national franchise has violated the antidiscrimination section of this bill; and, two, respond forcefully with a meaningful forfeiture penalty that preserves the integrity of the ultimate public interest goal of universal service, particularly to individuals that stand to benefit significantly from increased competition.

Mr. Chairman, as I close, I would like to reiterate that a 50 percent increase in this bill's current penalty amount is a small price for the battle between the millionaires and billionaires, and so I do not know why I did not put \$1 million here; but whether the action is motivated intentionally or the direct result of shortsightedness, cable providers should not be left off the hook for failing to bring competition to communities that need it the most.

I urge my colleagues to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, for purposes of debate only, I rise in opposition to the amendment; but I am not in opposition to the amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

First, let me say about the gentlewoman from Dallas, I support her amendment. I think it is a good amend-

ment. I think it adds to the bill, increasing the penalty by 50 percent from \$500,000 to \$750,000. It does increase the penalty for discrimination; and for that reason, I will be happy to support the amendment at the appropriate time.

□ 1945

Mr. Chairman, I would like to enter into a colloquy with a member of the committee, Mr. MURPHY of Pennsylvania.

Mr. MURPHY. I thank the chairman for this. I have worked with you in the committee to move this bill forward. I know it has a number of things that continue to help local franchising authorities to collect the 5 percent of revenues and also allows some other aspects in there, but I want to get to a colloquy about these two specific issues.

Many localities in my district are concerned about their continued management of rights-of-way. In Pennsylvania, such management has been said to include not only the physical, but also the fiscal management of those rights-of-way. Currently, when a cable wire carries multiple services, a Pennsylvania municipality can charge rent based on some formula for the use of rights-of-way.

Do you see the bill having an adverse effect on a locality's income by shielding operator revenue in this manner?

Mr. BARTON of Texas. Congressman MURPHY, current law allows local authorities to assess a franchise fee of up to 5 percent of a cable operator's gross revenue for the use of the public right-of-way for cable service. The Act before us would allow the localities to assess the exact same fee on holders of a national franchise.

In other words, localities may continue to collect the same rent for the use of the rights-of-way for cable service. The Act before us also preserves the locality's physical management of their right-of-way. Section 630(f) explicitly states that nothing in the Act affects the authority of the localities to manage their rights-of-way on a competitively neutral, reasonable, and nondiscriminatory basis.

Mr. MURPHY. Thank you, Mr. Chairman. One other question.

In addition to retaining rights-of-way management authority, isn't it true that municipalities would still have the authority to negotiate franchises with cable operators under this bill?

Mr. BARTON of Texas. Would you repeat the question?

Mr. MURPHY. Yes. Is it true that municipalities would still have the authority to negotiate franchises with cable operators under this bill? In other words, they still have the authority to negotiate local franchise agreements.

Mr. BARTON of Texas. For a specific period of time, the answer to that is yes.

Mr. MURPHY. Thank you, and I appreciate your responses and clarifying these issues, Mr. Chairman.

Mr. DOYLE. Mr. Chairman, would the chairman yield for a question?

Mr. BARTON of Texas. I would always yield to my friend from Pittsburgh, a member of the committee, and the new manager of the Democrat baseball team, who is so overworking his team that they are complaining to me about how hard they are having to work, yes.

Mr. DOYLE. Mr. Chairman, when you have a talent deficit, you have to work harder.

Mr. Chairman, just a question. Under the bill, if a local government had an ordinance that said you couldn't open a street during rush hour in a major artery, and the cable or phone company saw that as not reasonable and decided not to comply with that ordinance, where would the appeal process be? Currently, under law now, that appeal process takes place in local courts. Would the bill require local governments to now go to the FCC for any dispute resolution on rights of ways?

Mr. BARTON of Texas. Reclaiming my time, nothing in the pending bill will change current law with regard to how the cities control their local rights-of-way, the physical access to that right-of-way. They would have access through the local court system, and I would assume, if they wished to, they could also go to the Federal Court system or the FCC. But they can certainly continue to use the remedies available under current law.

Mr. DOYLE. If the chairman will continue to yield. So, Mr. Chairman, you are saying under the COPE bill, that any disputes with regards to rights-of-way do not have to go to the FCC for resolution?

Mr. BARTON of Texas. They have the option under the pending bill, if the gentleman were so kind to vote for it on final passage, and I know he is thinking about that, we would expand the potential remedies. They would have every remedy under existing law, plus they could also go to the Federal courts and to the FCC.

Mr. DOYLE. So if the gentleman will continue to yield.

Mr. BARTON of Texas. So far you have not tricked me, so I will continue to yield.

Mr. DOYLE. You are saying that any right-of-way dispute, any right-of-way dispute could be adjudicated at the local level and not have to go to the FCC.

Mr. BARTON of Texas. They have the option. They have the option. They have an expanded list of remedies that they currently don't have.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Ms. EDDIE BERNICE JOHNSON).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. RUSH

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 109-491.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. RUSH:
Page 30, after line 15, insert the following new paragraph:

“(6) FEE DISPUTE RESOLUTION.—

“(A) COMPLAINT.—A franchising authority or a cable operator may file a complaint at the Commission to resolve a dispute between such authority and operator with respect to the amount of any fee required under subsection (c)(1) or (e)(2) if—

“(i) the franchising authority or the cable operator provides the other entity written notice of such dispute; and

“(ii) the franchising authority and the cable operator have not resolved the dispute within 90 calendar days after receipt of such notice.

“(B) MEETINGS.—Within 30 calendar days after receipt of notice of a dispute provided pursuant to subparagraph (A)(i), representatives of the franchising authority and the cable operator, with authority to resolve the dispute, shall meet to attempt to resolve the dispute.

“(C) LIMITATION.—A complaint under subparagraph (A) shall be filed not later than 3 years after the end of the period to which the disputed amount relates, unless such time is extended by written agreement between the franchising authority and cable operator.

“(D) RESOLUTION.—The Commission shall issue an order resolving any complaint filed under subparagraph (A) within 90 days of filing.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment establishes a dispute resolution process for monetary disputes between local franchise authorities and cable operators. If localities and video operators have disputes over franchise fees or other fees, this amendment will allow them to negotiate a resolution in a timely process.

The amendment is simple. It sets forth a deadline for the initiation and resolution of a complaint process. First, the amendment calls for the parties to meet and settle their differences before issuing a complaint at the FCC. It simply states that a franchise authority or cable operator must provide written notice to each other if there is a dispute regarding franchise fees or PEG/I-Net support. Both parties must meet within 30 days of notification. If the local franchise authority and the cable operator have not resolved the dispute within 90 days, then both parties can petition the FCC to resolve the complaint. The FCC then has 90 days to resolve any fee disputes.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this amendment.

I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, for purposes of debate, I rise to claim the time in opposition, but I am not in opposition.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I do support the Rush amendment. I think it is an addition to the base bill, and it continues to show the excellent leadership that Mr. RUSH is providing on this issue, and I would urge my colleagues at the appropriate time to support the amendment.

At this point in time, I would like to enter into a colloquy with the gentleman from Washington, Congressman REICHERT.

Mr. REICHERT. Mr. Chairman, I appreciate your leadership on this legislation and I would like to call attention to an issue of extreme importance to America's public safety providers: The inability of Americans to use 911 on their Voice Over Internet Protocol phones. As a former cop, this certainly ranks high on the list of my concerns.

The Federal Communications Commission attempted to address this issue by requiring Voice Over IP companies to provide enhanced 911 before they could sell their services. I am largely in favor of this bill; however, it does reverse the FCC ruling. It allows Voice Over IP companies to continue to sell telephone service without having to properly route 911 calls for as long as 6 months after entering a new market. Six months is too long to wait, which is why many first responders have not embraced this bill.

There have already been tragedies and near tragedies that have occurred when Voice Over IP consumers have tried to call 911 in an emergency. To call 911 and receive the service is a necessity regardless of the type of phone service a caller is using. Customers expect this capability.

The ability to provide every American full access to 911 is of great concern to me. Our first duty is to protect American citizens. I urge you to address this issue before the legislation is finalized in conference.

Mr. Chairman, thank you for allowing me this opportunity voice my concerns.

Mr. BARTON of Texas. I thank the gentleman from Washington for raising this issue. We agree that as a matter of both public policy and public safety, American citizens should have access to basic 911 service.

I understand your perspective on this concern, as a former law enforcement officer who had to respond to 911 calls himself for many years. I will work in conference to address your concerns.

I can add that Mr. GORDON of Tennessee and Mr. PICKERING of Mississippi, just to name two members of the committee, share your concerns and are working on this issue.

Mr. REICHERT. I thank the Chairman and look forward to working with you.

Mr. BARTON of Texas. I have no other requests for time, urge a "yes" vote on the Rush amendment, and I yield back the balance of my time.

Mr. RUSH. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 109-491.

Mr. SMITH of Texas. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Texas:

Page 44, after line 12, insert the following (and make such technical and conforming changes as may be appropriate):

"(d)(1) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws or the jurisdiction of the district courts of the United States to hear claims arising under the antitrust laws.

"(2) DEFINITION OF ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition."

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Texas (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

The Internet has succeeded beyond our wildest dreams, in large part, because the government has not tried to regulate its growth. I sympathize with the concerns of those who want to regulate the Internet, but we do not want to destroy the wonderful tool the Internet has become in order to save it. Frankly, I do not think we have the ability to perceive how the Internet will grow or to direct that growth.

I am more comfortable leaving these matters to the antitrust courts and the FCC to decide on a case-by-case basis in the context of specific factual situations, and that is what this amendment would do. It is a simple antitrust savings clause. It makes clear that the language in the bill that gives the FCC exclusive jurisdiction of network neutrality complaints does not displace the antitrust laws or the jurisdiction of the courts to hear antitrust cases in this area. These cases would be heard under existing antitrust standards.

Look at what the Internet was 10 years ago and look at what it is now. It would not be anything like what it is today if we had tried to regulate it then. The courts and the FCC are

sometimes slow, but they are much better equipped to work through the complicated fact situations that these issues present. We can always come back and legislate in the future if they fail in their task.

This amendment makes sure that broadband service providers are subject to antitrust lawsuits. In my experience, most people would consider that to be a pretty heavy burden. If those broadband service providers lose such a suit, they are subject to the whole range of antitrust remedies, including treble damages, injunctions, and attorneys' fees. The people who are for the various provisions designed to ensure network neutrality are the same people who usually push these kinds of antitrust remedies.

Some will argue you should skip over this amendment and vote for the Markey amendment. It is true that the Markey amendment includes an antitrust savings clause, and I appreciate Mr. MARKEY's desire to keep the Judiciary Committee involved in this area. The problem with his amendment is that it is a package deal. Not only do you get an antitrust savings clause, you also get to impose his vision of how he and the government would regulate the Internet. I do not think, Mr. Chairman, anyone is qualified to dictate how the government should control the Internet. The Internet has done pretty well on its own without any interference from any of us.

So the choice is this: Do we let the Internet grow on its own, as it has for the last 10 years; or do we tie its future to government regulation? To me, that is an easy choice, and that is why I offer this amendment.

I urge my colleagues to support this amendment and oppose the Markey amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Smith amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I wanted to clarify some things with the author of the amendment. Does your amendment deal specifically with the complaint adjudication process with regards to antitrust laws and the jurisdiction of the courts to hear such cases?

Mr. SMITH of Texas. If my friend will yield, the answer is yes, that is correct.

Mr. BARTON of Texas. With that understanding, I am going to change from opposition to support and encourage you for offering the amendment.

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Mr. CONYERS. Mr. Chairman, I rise to claim the time in opposition to the amendment of the gentleman from Texas on the Judiciary Committee, Mr. SMITH. I am opposed to the amendment.

The CHAIRMAN. The gentleman from Texas has claimed the time in opposition.

Mr. BARTON of Texas. Mr. Chairman, I will be happy to yield to the distinguished ranking member of the Judiciary Committee. I believe I probably still have 4 minutes; is that correct?

The CHAIRMAN. The gentleman has 4½ minutes remaining.

PARLIAMENTARY INQUIRY

Ms. ZOE LOFGREN of California. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentlewoman may state her inquiry.

Ms. ZOE LOFGREN of California. Isn't it necessary to claim the time in opposition to actually be opposed, and the chairman of the committee is not opposed to the amendment.

Mr. BARTON of Texas. Mr. Chairman, I was opposed at the beginning of the debate.

The CHAIRMAN. The gentleman will suspend.

The gentleman stated he was opposed, and the Chair took the gentleman at his word when allocating the time.

Mr. BARTON of Texas. Mr. Chairman, I respect Mr. CONYERS. He is a good man. He is in serious opposition. I have 4½ minutes remaining. I would be happy to yield those 4½ minutes to my good friend, Mr. CONYERS.

The CHAIRMAN. The gentleman from Michigan is recognized for 4½ minutes.

Mr. CONYERS. Mr. Chairman, I want to thank the chairman, Mr. BARTON, because I am sure this could have been cleared up and it was an inadvertent mistake and I thank him for his generosity in correcting this matter.

I would like to share some of this time in opposition with the gentlewoman from California (Ms. ZOE LOFGREN), but I rise against the Smith amendment because what we have here is a problem of an amendment that does not really promote the goals of net neutrality as we understand them.

It is a horse, a beautiful horse, but it is a Trojan horse. The language is disguised as meaningful net neutrality protection, but it is actually an empty shell.

The current law already allows for an antitrust remedy for violations of anti-competitive conduct; but when it comes to net neutrality, there are no rules, no guidelines telling the gatekeepers of the Internet what kind of conduct is allowed and what kind is not allowed.

The telephone and cable companies have made it clear they intend to use their market power to charge companies who want to distribute their content over the Internet, thereby determining what a consumer can access.

The Sensenbrenner-Conyers net neutrality amendment which we hoped to have made in order would have provided clear guidelines. I have five specifics that would make it very clear as opposed to what the Smith amendment does not do, and I include them for the RECORD.

H.R. 5417 reasserts an antitrust remedy for anticompetitive conduct in which the

broadband network provider: (1) fails to provide network services on reasonable and nondiscriminatory terms; (2) refuses to interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis; (3) blocks, impairs or discriminates against a user's ability to receive or offer lawful content; (4) prohibits a user from attaching a device to the network that does not damage or degrade the network; or (5) fails to disclose to users, in plain terms, the conditions of the broadband service.

I will reserve our time on this side.

The CHAIRMAN. The gentleman from Texas controls the time.

Mr. BARTON of Texas. Mr. Chairman, if I do, I will be happy to yield to the gentlewoman from California. I want there to be a full debate on this.

The CHAIRMAN. The gentleman from Texas controls the time.

Mr. BARTON of Texas. How much time do I still have?

The CHAIRMAN. The gentleman from Texas has 2½ minutes remaining.

Mr. BARTON of Texas. I would like to yield Ms. LOFGREN 2½ minutes if she so wishes.

The CHAIRMAN. The gentlewoman from California is recognized for 2½ minutes.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just like to point out that the Smith amendment does absolutely nothing. The amendment is to the Communications Act, not to the Clayton or Sherman antitrust acts; and whether or not we pass this amendment, the current antitrust laws will continue to operate as before.

The savings clause neither creates new net neutrality protections nor takes them away. It is superfluous, it is nothing, and it is meant to encourage Members who actually are for net neutrality into thinking they can somehow get away with being for net neutrality but doing nothing.

The Trinko case contained a similar antitrust savings clause. The Telecommunications Act of 1996 and the Trinko case basically held there were no antitrust remedies for anticompetitive conduct in areas regulated by the Telecommunications Act.

The whole issue is how the antitrust laws apply. I would point out that our committee, the Committee on the Judiciary, reported out by a vote of 20-13 a bill introduced by Chairman SENSENBRENNER and the ranking member, Mr. CONYERS, that actually did provide antitrust remedies for these Internet provisions. Inexplicably, the real bill, the real amendment that the chairman of the committee and the ranking member crafted and that won a majority of support, bipartisan I would add, on the committee to be reported out, was not made in order for us to discuss today. Instead, this phony amendment was made in order.

I would like to say something else about this rhetoric about regulation. Antitrust law is not regulation. It sets the standard for what monopolies cannot do. It is not a regulatory approach. It is a set of laws that keep monopolies

from squeezing the little guys, which is what is going to happen if we do not get real net neutrality in this bill.

The Markey amendment was put in order. We can vote for that, and I hope it passes. If it does not, we will end up with the dualopolies or the monopolies turning the Internet into a kind of cable television outfit.

When the public finds out what we are doing to their Internet, the dome is going to collapse with the uproar they create. For Members who have been here a long time and remember the vote that they took that allowed cable TV rates to go through the roof, that uproar is going to be nothing compared to what you hear if this measure goes forward.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say again that I sympathize with the concerns of those who would oppose this amendment. I want a vibrant Internet just like they do. Our disagreement is over how best to achieve that. I say let entrepreneurs develop it freely. They say let the government dictate it. It is an honest difference of opinion, but I think we have a 10-year track record and the entrepreneurs have got us to where we are today.

My amendment deals only with antitrust, so I urge my colleagues to reject government regulation of the Internet. Vote for the Smith amendment and against the Markey amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SMITH).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SMITH of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 109-491.

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. MARKEY: Strike section 201 of the bill and insert the following:

SECTION 201. NETWORK NEUTRALITY.

(a) AMENDMENT.—Title VII of the Communications Act of 1934 (47 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

“SEC. 715. NETWORK NEUTRALITY.

“(a) POLICY.—It is the policy of the United States—

“(1) to maintain and enhance the vibrant and competitive free market that presently exists for the Internet and Internet services, upon which Internet commerce relies;

“(2) to preserve and promote the open and interconnected nature of the Internet and consumer empowerment and choice;

“(3) to foster innovation, investment, and competition among network providers, as well as application, content, and service providers;

“(4) to ensure vigorous and prompt enforcement of this section's requirements to safeguard innovation, consumer protection, and marketplace certainty; and

“(5) to preserve the security and reliability of the Internet and the services that enable consumers to access content, applications, and services over the Internet.

“(b) IN GENERAL.—Each broadband network provider has the duty—

“(1) not to block, impair, degrade, discriminate against, or interfere with the ability of any person to use a broadband connection to access, use, send, receive, or offer lawful content, applications, or services over the Internet;

“(2) to operate its broadband network in a nondiscriminatory manner so that any person can offer or provide content, applications, and services through, or over, such broadband network with equivalent or better capability than the provider extends to itself or affiliated parties, and without the imposition of a charge for such nondiscriminatory network operation;

“(3) if the provider prioritizes or offers enhanced quality of service to data of a particular type, to prioritize or offer enhanced quality of service to all data of that type (regardless of the origin of such data) without imposing a surcharge or other consideration for such prioritization or enhanced quality of service;

“(4) to enable a user to attach and use any device to the operator's network that does not physically damage, make unauthorized use of, or materially degrade other users' utilization of, the network; and

“(5) to clearly and conspicuously disclose to users, in plain language, accurate information about the speed, nature, and limitations of their broadband connection.

“(c) PRESERVED RIGHTS AND EXCEPTIONS.—Nothing in this section shall prevent a broadband network provider from taking reasonable and nondiscriminatory measures to—

“(1) manage the functioning of its network to protect the security of such network and broadband network services, provided that such management does not depend upon the affiliation with the broadband network provider of the content, applications, or services on the network;

“(2) offer varied service plans to users at defined levels of bandwidth and different prices;

“(3) offer consumer protection services (including services for the prevention of unsolicited commercial electronic messages, parental controls, or other similar capabilities), or offer cable service, so long as a user may refuse or disable such services;

“(4) give priority to emergency communications and telemedicine services; or

“(5) prevent any violation of Federal or State law, or comply with any court-ordered law enforcement directive.

“(d) EXPEDITED COMPLAINT PROCESS.—Within 180 days after the date of enactment of this section, the Commission shall prescribe regulations providing for the expedited review of any complaints alleging a violation of this section. Such regulations shall include a requirement that the Commission issue a final order regarding any request for a ruling contained in a complaint not later than 30 days after the date of submission of such complaint.

“(e) DEFINITIONS.—As used in this section:

“(1) BROADBAND NETWORK PROVIDER.—The term ‘broadband network provider’ means a person or entity that owns, controls, operates, or resells and controls any facility used

to provide broadband network service to the public, by whatever technology and whether provided for a fee, in exchange for an explicit benefit, or for free.

“(2) **BROADBAND NETWORK SERVICE.**—The term ‘broadband network service’ means a two-way transmission service that connects to the Internet and transmits information at an average rate of at least 200 kilobits per second in at least one direction.

“(3) **USER.**—The term ‘user’ means any person who takes and uses broadband network service, whether provided for a fee, in exchange for an explicit benefit, or for free.”

(b) **SAVINGS PROVISION.**—Nothing in this section shall be construed to modify, impair, or supersede the applicability of the antitrust laws, as such term is defined in section 602(e)(4) of the Telecommunications Act of 1996.

In the heading of title II of the bill, strike “**ENFORCEMENT OF BROADBAND POLICY STATEMENT**” and insert “**NETWORK NEUTRALITY**”.

Conform the table of contents accordingly.

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. BOUCHER).

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding this time to me.

The Internet is a platform for innovation unequalled in American history. It has enabled the creation of hundreds of thousands of jobs and has driven the growth and the technology industry, which in turn has driven the growth of the American economy.

But innovation on the Internet is now at risk. The openness and accessibility that have defined the Internet experience are now threatened. Broadband providers are planning a two-lane Internet with a fast lane for their content and for the content of those who pay, and a slow lane for everyone else. Start-ups cannot afford the fast lane fees, and in the slow lane they cannot succeed. Innovation is at risk.

The Markey amendment which I am pleased to cosponsor will keep the Internet open. It will keep the toll booths from being erected. It is essential to the promotion of the American economy. This is the most important debate that we are having on this bill. There are those who will say that we have the time to wait; we should simply see how this works out. Make a determination 5 or 8 or 10 years down the road about how the two-lane Internet is faring. And if innovation is threatened, if problems arise, then we can always come back and make corrections.

My message tonight is that we will have one opportunity to act, and it is tonight. History shows us that once a business model goes into effect and revenues are being derived from that business, jobs depend on that business,

stock valuations depend on that business, and it is virtually impossible for Congress under those circumstances to take that business model away. And so tonight is the night.

The Markey amendment is the amendment. It will preserve the openness and accessibility of the Internet. It will keep it a platform for innovation for the 21st century, and I urge its adoption.

Mr. BARTON of Texas. Mr. Chairman, I rise in strongest possible opposition to the Markey amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. UPTON), the distinguished subcommittee chairman.

Mr. UPTON. Mr. Chairman, I live by an adage: if it ain't broke, don't fix it. No Internet service provider ought to be able to block access to your favorite Web sites or Internet applications, and I have to say that there are protections in this bill which preserve those rights. There is no evidence of any problem. And if they surface, we have some protections in here.

Let me read what they are. This bill, Barton-Rush bill, ensures that consumers are entitled to: one, access the lawful Internet content of their choice; two, run applications and services of their choice, subject to the needs of law enforcement; three, connect their choice of legal devices that do no harm to the network; and, four, competition among network providers, application and service providers, and content providers.

We give the FCC the explicit authority to enforce those principles, in fact, a fine for up to half a million dollars for every violation. We have a 90-day time clock to make sure that they are adjudicated properly and in a timely fashion.

The Internet has a great history of developing free of taxation and regulation. We want to keep it that way, and that is why we should vote “no” on this amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Chairman, the Internet, the World Wide Web truly are the most magnificent intellectual achievements since the invention of the printing press. And tonight the U.S. Congress, if it does not do its job, will severely let down that marvelous achievement of the human intellect because today, at least until last August, engrained in the DNA of the Internet was a principle of nondiscrimination and freedom among all sources of information on the Internet.

Unless we pass the Markey amendment and preserve net neutrality, that basic DNA is going to be subject to mutation, to discrimination.

We have a simple proposition in the Markey amendment, and that is just as all men are created equal, all bits are created equal and we must treat all bits of information fairly, accurately, and without discrimination.

If this amendment does not pass, we will for the first time, for the first time allow the infection of discrimination to discriminate amongst bits of information. I note this because the opponents of this amendment, the Markey amendment, are saying we have to get these entities that use these services to pay. No doubt. And under the marketing ability, you will be able to charge for the distribution of bits. But what we should not allow is to discriminate amongst those who in fact enter the on-ramp of the Internet information superhighway.

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We will continue to allow people to charge depending on how many bits you send through the pipe. But what we should never allow, and until last August, we have not allowed, is the discrimination about who is sending those bits across this information super highway.

Preserve the basic DNA of the Internet. Pass the Markey amendment and preserve freedom of access of information.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the distinguished member of the subcommittee and full committee, the gentlewoman from Nashville, Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. Mr. Chairman, I rise in opposition to the Markey amendment.

This afternoon I went to the computer and I pulled up Google and then I pulled up Yahoo and in my search engines I put “network neutrality.” Interesting what I found.

Well, I found article after article that I certainly believe have their facts wrong, because network neutrality is a term that people can't agree on. Everybody has got a different definition.

Now, while that bothered me, Mr. Chairman, I believe that it is important that we do a couple of things. One of those is I don't think the government ought to tell Google and Yahoo how to rank or present their information. That is not a road that we want to go down. But that is what the Markey amendment would do. It would force companies that build and maintain the networks where the data flows to present and categorize data in packets according to a government standard. Once we have done that, Mr. Chairman, the next thing is going to be having a Secretary of Internet access. I don't believe that is somewhere we want to go.

The COPE bill says that individuals should be able to connect any device to the Internet and access legal content.

Mr. MARKEY. I yield 2½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank our distinguished ranking member of the Telecommunications Committee in the House. And everyone knows that when he speaks about anything that is related to telecommunications, he knows of what he speaks. And that is why this amendment that bears his name, and I am proud to have my name as a part of this amendment as well, why it is so important.

Now, for people that are listening in to us this evening, what is this debate about? What does the term "net neutrality" mean? I think the better way to describe this is what does the Internet look like today? How does it function? What does it represent? What are the opportunities? Who takes advantage of these opportunities? Is anyone discriminated against when they go to use the Internet? Whether it is a small Web company, whether it is an individual user, whether it is a university, a library, a school, seniors in the senior center, those that are at home, those of us in Congress, our staff, it is not discriminatory. It is open. Everyone has equal access to it.

So what is this debate about? The telephone companies, and let's face it, if they really were in charge of the future, they would have allowed cell phones, and they didn't. I mean, these people are really part of the past, I am sorry to say. So what this is is a profound change to the Internet.

What will the change be? The telephone companies have come to the Congress and said, change the rules. Rewrite the rules. We want to be able to offer our own tier, our own speed and charge for it. I think that this is flawed, deeply flawed. And I think if we move in this direction, we will be moving away from the future. This debate is really all about the future, the future of the Internet and what we want it to look like.

Our Republican friends have done some real heavy lifting here. Some Democrats too, but I will tell you something. I take my hat off to the Republicans. They have done everything for the telephone companies, everything, at a cost to what is one of the greatest sources of pride of America, a free and open Internet that is accessible to everyone. It has worked. We are the envy of the world as a result of it. We should not tamper with it. Vote for net neutrality.

Mr. BARTON of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman of the full committee hailing from the great Alamo City, birthplace of Texas democracy, Mr. GONZALEZ.

Mr. GONZALEZ. Mr. Chairman, first of all, the advocates for this amendment claim this amendment is about consumers, the little guy. Countless of bloggers have written all Members of Congress in fear if this amendment does not pass, they will no longer be free to express their opinions on the Internet and have their voices heard. Let me tell you as directly as I can to

all the bloggers out there, to all of e-mailers out there, to all the households out there, to the average American, this Markey amendment is not about you. It is not about the consumer.

So what is it? I will tell you what it is. First, it is a guarantee that the consumer will be the only one to finance the building, the maintenance and the improvement of the Internet highway. That is what the Markey amendment will do.

It imposes and establishes, secondly, a massive Federal regulation by mandating and dictating conditions on how the Internet will evolve without any consideration for technological advances and emerging business practices and models.

The Markey amendment does this. It picks sides. It creates inferior and superior stakeholders in the Internet.

And lastly, this is the Markey amendment, in my own opinion. It is driven by a hostility against one particular business entity that is involved and is a stakeholder in the Internet.

It is unfair when this body takes sides and does not allow the marketplace and innovation, imagination, creativity, technological and business practices to flourish in our society. We do a disservice. Vote "no" on Markey.

Mr. MARKEY. I yield 1½ minutes to the ranking member of the full commerce committee, the gentleman from the State of Michigan, Mr. DINGELL.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, and my colleagues, this is a good amendment. If you want to improve the bill, and I suspect the Bells don't want you to, and they may not even permit you to. But the hard fact of the matter is this preserves network neutrality.

The bill, as it now constitutes, says that the FCC shall do certain things. But it denies them specifically the authority to write rules under which uniform treatment will be afforded to all persons. It imposes, or permits the imposition of huge fines. But the fines will never be imposed.

What network neutrality does, it sees that everybody is treated alike with regard to use of the Internet. That has been a principle which has been applied to the Internet and Internet use since it was first originated.

This legislation permits the Bells to begin to disregard that, to pick and choose whom they will serve, to determine the conditions under which they will afford service, and to create a situation where there will be no rights and no capacity for the user of the Internet or the companies which provide Internet service to see to it that they can protect their rights.

The Markey amendment, which is before us, gives us some assurance that the FCC will be able to do some of the things that it should do to see to it that we preserve the Internet as we have known it, to protect the users, to protect the companies which provide

this service, to protect the libraries, the schools, the individuals and the universities.

I urge adoption of the amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the pride of New Providence, New Jersey, a member of the full committee, Mr. FERGUSON.

Mr. FERGUSON. Mr. Chairman, I rise in strong opposition to the Markey amendment. This amendment is essentially a solution in search of a problem. When we considered this bill in both the subcommittee and in the full committee, we asked experts to identify one example of a problem that this amendment would solve. They couldn't point to one example where a Bell-operated company or a cable company had blocked access to their networks or infringed on so-called Internet freedom.

Further, when we asked these experts to define net neutrality, these same experts couldn't even agree on a definition for this term or even provide a description that was less than confusing.

I am concerned that this amendment will give the FCC the authority to impose old network common carriage requirements on new networks.

Since the advent of the Internet, Congress's hands off policy has allowed the World Wide Web to prosper by having the market pick winners and losers, rather than the government.

The Markey amendment takes us in the opposite direction. It forsakes the free market in favor of government price controls. This amendment would chill investment in broadband network and deployment of new broadband services, and, at the end of the day, very simply, it would reduce choice for our constituents. The Internet has prospered very well without this type of heavy-handed interference.

This amendment is not about network neutrality, it is about network neutering, and this amendment should be defeated.

Mr. MARKEY. Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to another member of the Energy and Commerce Committee, the pride of the entire State of Nebraska, Mr. Lee Terry.

Mr. TERRY. Mr. Chairman, the interesting irony about this is that the bill, as written, does not regulate or tamper or mess with anything on the Internet. The amendment that we are discussing here is the regulation of the Internet. And I agree with the Speaker beforehand. There is not an issue today on prioritization along the network or through the pipelines.

I look at it like, this amendment, if it was brought up 100 years ago, would have froze the Pony Express into that permanent state. But yet, we all know that later on developed first class mail, airplane, FedEx, UPS and a variety of different ways to deliver to the consumer. I say, let's wait until there is a discriminatory process that is put in place, that is anti-consumer and trying

to guess that something that, we don't know what, may happen in the future. Let's not regulate the Internet today. Let's defeat this amendment.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to another member of the distinguished Energy and Commerce Committee who hails from Houston, Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I hope I am also the pride of the whole State of Texas.

Mr. BARTON of Texas. He is the pride of the entire State of Texas.

Mr. GENE GREEN of Texas. Mr. Chairman, I will include my full statement in the RECORD, and I will paraphrase it.

The Internet is made of numerous interconnected, privately owned networks. It has become the amazing resource it is today without the law on network Internet neutrality.

The FCC, in 2005, released four network neutrality principles and they are in this language. H.R. 5252 enacts these network principles into the law, sending a strong anti- or nondiscrimination message to the telecommunications industry.

As we listen to the debate, the supporters of the Markey amendment will use these four principles in their rhetoric, but their amendment adds a much different network neutrality principle. The Markey amendment bans residential Internet providers from charging large Internet content providers for maintenance or upgrades based on how much bandwidth they are using.

The Markey amendment means higher praises for the consumers, those of us who pay monthly, while large Internet content providers get a free ride over the portion of the Internet that is the most need for investment.

Supporters claim the Internet companies pay for their network. The problem is, with television and video, it requires more bandwidth. They have got to make that investment. Are we going to put it on our constituents individually, or are the people who are making the money going to pay for it?

The Internet is made of numerous interconnected privately-owned networks, and it became the amazing resource it is today without any law on Internet network neutrality.

In 2005, the Federal Communications Commission released four network neutrality principles:

- (1) consumers are entitled to access the lawful Internet content of their choice;
- (2) consumers are entitled to run applications and services of their choice;
- (3) consumers are entitled to connect their choice of safe, legal devices; and
- (4) consumers are entitled to competition among network, application, service, and content providers.

Some people say we need to pass the Markey amendment to prevent blocking of websites or anticompetitive behavior. This is not the case.

The (COPE) Act, H.R. 5252, enacts these net neutrality principles into law, sending a strong non-discrimination message to the telecommunications industry.

As we listen to the debate, the supporters of the Markey amendment will use these four FCC principles for their rhetoric, but their amendment adds a much different network neutrality principle.

The Markey amendment bans residential Internet providers from charging large Internet content providers for maintenance or upgrades based on how much bandwidth they are using.

The Markey amendment means higher prices for consumers while large Internet content providers get a free ride over the portion of the Internet that is in most need of investment.

Supporters claim that if Internet companies pay their way on the network we will hurt entrepreneurs.

Any website that takes up a lot of bandwidth already has always paid more to Internet backbone providers if they are putting a lot of content on the Internet and generating a lot of traffic.

Now many of these companies are complaining about paying local Internet network owners for the use of their networks.

The issue for the future is when websites offer high-bandwidth services like high-definition movies, television, and video games from websites, all over the Internet.

These applications require guaranteed high quality service, something that's not usually available on the Internet today.

To upgrade the "last mile" of broadband to accommodate these new services while keeping consumer prices low, telephone and cable companies may need to offer premium service to large Internet content companies.

The Markey amendment bans this commercial arrangement and sends the whole bill to the consumers.

Congress should ensure that no Internet service is blocked or degraded by cable or telephone companies, and the COPE Act does just that.

This point is so important we should repeat it: the underlying text of the COPE Act puts network neutrality into law for the first time. No anticompetitive discrimination is allowed.

The Markey amendment goes much further, and regulates the price of Internet traffic between large network operators and large Internet content providers.

A good definition of wisdom is not how much you know, but if you know what you don't know.

Most of us do not fully understand how the Internet works on a detailed basis or the financial arrangements that build our networks.

The Internet has thrived without Congressional intervention on prices and commercial arrangements, and it will do so in the future. If it ain't broke, don't fix it.

□ 2030

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. MARKEY. I yield myself the balance of the time.

This debate is a travesty. We are allowed 10 minutes to explain this fundamental change in the whole history of the Internet. It is pretty much a joke.

If two consumers go into a car dealership and one wants to buy a Ferrari and another decides to buy a Ford Taurus, that is their choice. The Ferrari is expensive and has all sorts of bells and whistles. But once those two customers

drive the Ferrari and the Taurus off the lot, the car dealership shouldn't be allowed to tell them where they can and cannot drive. We don't have certain roads or destinations just for Ferraris or just for Taurus drivers, and the auto dealership certainly shouldn't be permitted to put up new toll booths to extract fees on those highways. That limits freedom. That is what the Republicans and the Bell companies are doing tonight.

If you like the way the Internet is today, vote for the Markey amendment. If you don't want new broadband taxes, fees imposed upon the Internet, vote for the Markey amendment. If you agree with the National Religious Broadcasters, with the Gun Owners Association, Common Cause, the Christian Coalition, and the ACLU, you vote for the Markey amendment tonight. Because if you don't, there is going to be a fundamental change in the whole history of the Internet. You can't put together a coalition like that unless something fundamental is happening in America. It goes to voices, all of these organizations who feel it is going to be limited, and choices, the choices that consumers are going to have and the choices that entrepreneurs are going to have in getting onto this information highway without having to pay special fee or tax to the telephone companies or cable companies. Vote "aye" for the Markey amendment. Preserve network neutrality, preserve the Internet as we know it today. There is nothing wrong with it, and you won't hear a word from the Republicans or from the telephone companies making a case that there is anything wrong.

Mr. BARTON of Texas. I yield myself the balance of the time.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

MR. BARTON of Texas. Mr. Chairman, I listened with a great degree of respect to the gentleman from Massachusetts as he rose in defense of his amendment. And I agree that, if a consumer goes into that dealership and you could find a dealership that was selling a Ferrari alongside with a Ford Taurus, that the consumer has the right to choose which vehicle to purchase and he has the right to take that vehicle out on the highway and he has the right, subject to the laws of the State, to drive it as fast as he or she wishes. That is what the underlying base bill does.

We are debating a term of "net neutrality" that didn't exist 9 months ago. We are debating a term that, as Mr. FERGUSON pointed out in his remarks, there wasn't even agreement among the experts exactly what it was when we had a hearing on this before the full committee. But we understand, just as Mr. MARKEY supports, we understand that, whatever net neutrality is, we want to preserve the open access nature of the Internet, number one.

Number two, we also want to bring the United States out of the undeveloped nations, so to speak, in terms of broadband deployment.

Now, the underlying purpose of this bill is to get the private entrepreneurs of this country to put the billions and billions and billions of dollars that are necessary to get the broadband deployment into the homes hopefully of every American home in this country, and then use that to unleash the creative entrepreneurship of our creative community to develop new services and new ways of providing those services so that all Americans can have access to some of these new services that are promised if we actually make this bill a reality.

What Mr. MARKEY's amendment really does, if we were to adopt it, is say you can't charge for any of that; you can't differentially price between the Taurus and the Ferrari, you have to charge everybody the same. And, if you do that, you are not going to get the deployment.

Now, the base bill says we are not sure what net neutrality is, but we agree it should be preserved, and we want the FCC to preserve it. And, we explicitly give the FCC the authority to punish a transgression once it is identified on a case-by-case basis and to do it within 90 days.

Now, if you really want to unleash the creative energy, if you really want this to be a jobs bill, if you really want the United States to go from twelfth in broadband deployment into hopefully number one, vote against Mr. MARKEY and for the underlying bill. That is real net neutrality.

Ms. PELOSI. Mr. Chairman, I salute my colleagues, Congressmen DINGELL, MARKEY, INSLEE, and BOUCHER, and Congresswoman ESHOO for their leadership on this issue of vital importance to the future. I also want to recognize the leadership of Congressman JOHN CONYERS and Congresswoman ZOE LOFGREN for their work on Net Neutrality in the Judiciary Committee.

HISTORY

When Lewis and Clark made their historic journey of discovery two centuries ago, information could only travel as fast as a horse could run or a boat could sail. Now information travels in an instant. And just as railroads and highways did in the past, broadband has dramatically increased the productivity and efficiency of our economy and will continue to do so in the future. It has created jobs today, and will create even more jobs tomorrow.

INNOVATION AGENDA

Last fall, House Democrats introduced our Innovation Agenda: A Commitment to Competitiveness to Keep America Number One. In that Agenda, we have called for affordable broadband access for every American within 5 years.

INTERNET

The reason we want to bring broadband to everyone is because that key infrastructure brings the Internet to everyone. In turn, the Internet brings us the world—a world of information, communications, and commerce. The Internet brings us the future.

Since its inception, the Internet has been characterized by its openness—its freedom. That freedom has enabled innovation to flourish.

Magnificent disrupters like Jerry Yang of Yahoo! and Larry Page and Sergey Brin from Google built businesses based on big ideas, bringing spectacular new innovations and services to billions of users.

NET NEUTRALITY

About a year ago, the FCC and the Courts changed the way the Internet is regulated.

Due to that change, there could be the equivalent of new taxes on electronic commerce.

Telecommunications and cable companies are now able to create toll lanes on the information superhighway, essentially permitting new, discriminatory fees—a new broadband bottleneck tax—on Web-based businesses to reach consumers.

This strikes at the heart of the free and equal nature of the Internet and would fundamentally change the way the Internet currently works.

America's small businesses and entrepreneurs could be left in the slow lane with inferior Internet service, unable to compete with the big corporations that can pay Internet providers toll charges to be in the fast lane. Bloggers, our citizen journalists, could be silenced by skyrocketing costs to post and share video and audio clips.

The Markey amendment will prevent those toll lanes. The Markey amendment will allow the innovative tradition of the Internet to continue by enacting protections that ensure all consumers are able to access any content they wish with the same broadband speed and performance. The Markey amendment will preserve the equality, openness, and innovation of the Internet that has defined it since its first days.

CONCLUSION

I urge my colleagues to vote in favor of the future, to vote in favor of Net Neutrality by supporting the Markey amendment.

Mrs. CAPPS. Mr. Chairman. I rise in strong support of the Markey amendment to maintain network neutrality on the Internet.

This is probably one of the most important issues this Congress will face this year.

At issue is whether we maintain the current system of nondiscrimination on the network or whether we allow this engine for innovation and progress to be controlled by a few large corporations.

As we all know, the Internet has a history of openness and freedom. To be sure, all this freedom has its questionable effects—an enormous amount of chaos, loud and intemperate voices opining on everything under the sun, and an unparalleled proliferator of unfounded rumors.

I'm sure we all remember the infamous—and mythical—Congressman Schnell who was introducing legislation to tax the Internet? Only the Internet could start and rapidly transmit—and keep going for years—such an easily knocked down rumor.

But it is precisely this unbridled freedom on the Internet that has also brought us innovation on an almost unimaginable scale over the last decade or so. The explosive growth of everything from web-based businesses to politically-based sites to newsgathering sources has been nothing short of amazing. And much of that growth is attributable to the ease with

which anyone can access the world wide platform of the Internet.

We simply have to protect that level of freedom and openness on the Internet.

And yet, the head of AT&T is loudly calling for changes that could seriously undermine the Internet and perhaps marginalize its innovative qualities in the future.

I am extremely concerned about what the Internet might look like under a regime where one—or more likely, all—of the big broadband networks decides what data bits can move at what speeds across the network.

The large phone and cable companies will tell us all that they have no desire to reduce the freedom of the Internet. They will tell us such a move would be bad for business if nothing else. And they are telling us that there is no problem to be solved, that all this talk about network neutrality is just theoretical.

But how can we believe any of this when AT&T's CEO refers to the paths for Internet access as "his pipes" and he vows to make some users pay for access to these pipes? That sounds very clear to me and I find some agreement with one Internet expert who referred to this as the "Tony Soprano business model."

The danger is twofold. First, it means that small players on the Internet will find it harder to use the world wide reach of the Internet to bring their new ideas to market.

The danger is not to Google, but to the next potential Google. That new idea that might upend Google or MySpace won't get very far if it can't match the reach of those behemoths. The inability to pay phone and cable company fees for the "fast lane" will keep new ideas out of the market.

Second, the lack of net neutrality allows for the distinct possibility that the phone and cable companies could block or slow the sites and services of their competitors. I don't see in the phone and cable companies the kind of wide open competition that is present today on the Internet. And given that lack of competition in the phone and cable industries, I question the commitment to competition of its players and what that means for consumers under the provisions of this bill.

This legislation is supposed to be about creating more competition, giving consumers more choices and lower prices. But without this amendment to ensure that network neutrality remains the fundamental principle governing the Internet, this bill will result in fewer choices and higher prices.

I urge the House to adopt this amendment and ensure the Internet remains a platform for innovation and choice.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time and ask for a "no" vote on the Markey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. GUTKNECHT

The CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 109-491.

Mr. GUTKNECHT. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. GUTKNECHT:

At the end of title III of the bill, add the following new section:

SEC. 302. COMPENSATION AND CONTRIBUTION.

(a) **RULE OF CONSTRUCTION.**—Nothing in this Act (including the amendments made by this Act) shall be construed to exempt a VOIP service provider from requirements imposed by the Federal Communications Commission or a State commission on all VOIP service providers to—

(1) pay appropriate compensation for the transmission of a VOIP service over the facilities and equipment of another provider; or

(2) contribute on an equitable and non-discriminatory basis to the preservation and advancement of universal service.

(b) **DEFINITIONS.**—As used in this section—
(1) the terms “VOIP service provider” and “VOIP service” have the meanings given such terms in section 716(h) of the Communications Act of 1934, as added by section 301 of this Act; and

(2) the term “State commission” has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

The CHAIRMAN. Pursuant to House Resolution 850, the gentleman from Minnesota (Mr. GUTKNECHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise on behalf of the Bipartisan Congressional Rural Caucus. The amendment we offer tonight is real simple: It preserves the right of the FCC to require VoIP providers to contribute to the universal service fund and pay appropriate intercarrier compensation fees.

Today, VoIP providers do not contribute to the USF, which is the mechanism that helps build and maintain the communications network that we all rely on, especially in rural America. All other voice providers contribute. Regardless of where you live, we all depend on a vibrant, strong communications network.

So why are we doing this on this bill? Title 3 of the COPE Act is a VoIP title. The language grants VoIP providers all the benefits of being telecommunications carriers, such as the right to interconnect with networks and access to right-of-way. It also gives VoIP providers some of the same responsibilities, such as providing the E-911 service, complying with regulations for the disabled, number portability, et cetera. However, H.R. 5252 does not classify VoIP providers as telecommunications carriers, and therefore they do not have all the same social responsibilities such as USF contributions and

intercarrier payments. Our amendment would not mandate that VoIP providers contribute to USF or pay intercarrier compensation fees, nor would it require the FCC to force them to do these things; it merely preserves the FCC's authority to do so. We need to assure the FCC that it is not congressional intent to exempt VoIP providers from the duties required under other communications networks.

Mr. Chairman, I urge passage of this amendment and the underlying bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the Gutknecht amendment.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Chairman, I am not going to object strenuously to this amendment. I do want to make a couple of points. I think the universal service fund needs, at a minimum, to be significantly reformed. I do not think, as we hopefully deploy more technologies and more innovative ways of using those technologies, that we should saddle these new emerging technologies with attacks that, while well-intentioned, was originated in the 1920s and is in need of serious reform. So I do oppose the amendment, respectfully, but I understand those that support it, and am very respectful of the gentleman who offered it, because he has worked with us diligently on it.

I would like to enter into a colloquy with the gentlewoman from Tennessee at this point in time.

Mrs. BLACKBURN. Mr. Chairman, I rise to engage Chairman BARTON in a colloquy.

I would like to pose a question concerning the interplay of the National franchise and the anti-redlining provisions of the bill, particularly as they apply to some of the rural telephone companies that are interested in providing the video competition afforded under the bill.

The committee report language concerning redlining that appears on page 23 provides, and I quote, “A national franchisee is in violation of the provision if it is offering service to parts of a franchised area identified in its certificate but not to another part of the franchised area because of the income of the area.”

Pursuant to that language, Mr. Chairman, would a telephone company that is not providing video service to a part of a franchise area be in compliance with the Act if the reason for not providing video service is that the provider lacks the facilities to make service available in the area? In other words, if the existing footprint of the phone company does not encompass that portion of the cable franchised area, then the provider's decision is not a case of redlining, because the lack of service is not based on the income of the group but rather the lack the facilities by which to provide the service.

Mr. Chairman, I yield to the gentleman from Texas.

Mr. BARTON of Texas. I wish to acknowledge the important role that you have played in the process of developing this legislation. I also would like to commend you on your support for rural America, and would add that, if this bill becomes law, small rural telephone companies are going to benefit and enter the video business in communities like your community in your congressional district of McMinnville, Tennessee.

In response to the specific inquiry, you are correct, under the legislation if the telephone company identifies a portion of a cable franchise area that it intends to serve with video, there is no build-out obligation nor would there be a redlining violation as long as the telephone company did not refuse to serve a group of potential residential subscribers in that area because of the income of that group.

Mrs. BLACKBURN. I thank Chairman BARTON for his answer, which is important to hundreds of small phone companies. I congratulate you on the bill and look forward to its enactment into law.

Mr. BARTON. Mr. Chairman, I yield back the balance of my time.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to my cochair of the Telecommunications Task Force of the Rural Caucus, Mr. STUPAK of Michigan.

Mr. STUPAK. Mr. Chairman, I rise to offer this amendment on behalf of the Congressional Rural Caucus with my friend, Mr. GUTKNECHT from Minnesota. This amendment makes a good bill better. Our amendment is not controversial, it simply is a savings clause. It preserves the ability of the FCC to extend universal service fund and intercarrier compensation obligation to Voice over Internet Protocol or VoIP providers.

The problem is that the underlying bill extends many new rights to VoIP providers, but extends only some of the responsibility. This leaves out the responsibility to contribute to the universal service system and pay appropriate compensation for use of the network.

These two funding mechanisms have ensured that we enjoy the ubiquitous phone coverage we have today, and USF funds provide affordable broadband access for low income schools, libraries, and rural health facilities.

During our hearings, Jeffrey Citron of the Vonage Holdings Company stated, and I quote: “As a businessman, I don't get nor do I expect a free ride on anyone's network.” Kyle McSlarrow, president and CEO of the National Cable and Telephone Association stated, “The cable industry strongly supports the goals and purposes of universal service fund. Thus, cable operators that offer VoIP services already pay millions of dollars into the current system, and we support making that obligation to everyone.”

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to our colleague from Nebraska (Mr. OSBORNE).

□ 2045

Mr. OSBORNE. Mr. Chairman, people in my district, which is largely rural, want and need broadband services just as much as people in urban areas; yet according to a recent report, almost half of rural Nebraska communities only have one broadband Internet provider and some have none.

Without the help of the Universal Service Fund, the average Nebraskan living in a rural area would pay an additional \$235 each year for telecommunications services, and this is true across the country in rural areas.

The Gutknecht-Stupak amendment would preserve FCC authority to require VoIP providers to contribute to the Universal Service Fund and pay appropriate fees, just like every other service provider. This commonsense amendment is the result of numerous hearings, briefings and meetings hosted by the Rural Caucus over the last year and a half.

Mr. Chairman, I appreciate their leadership and efforts on this issue. I urge my colleagues to support this amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida (Mr. BOYD), a very active member of the Rural Caucus.

Mr. BOYD. Mr. Chairman, I thank Mr. GUTKNECHT and Mr. STUPAK for their work on behalf of this amendment. I want to tell you that the Universal Service Fund is designed to ensure telecommunications services to all Americans, no matter where they live, what kind of rural area.

This amendment preserves the authority for the FCC to require the VoIP providers to pay into the USF. I strongly support and encourage the adoption of the amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I want to thank the sponsors of this amendment for bringing this forward today, because it is relevant. I agree with the chairman of our committee that the universal service is built on a 1920s or 1930s model, and it is outdated and in need of reform.

I also believe that universal service is as relevant today as it was back then, and maybe even more so. In modernizing universal service so that all people in America can enjoy the services of telephony and its advanced services, broadband, we need to fix universal service.

And one of the areas that we need to fix is that as different technology or VoIP emerges, then companies use this digital process to avoid paying into the universal service, therefore strangling it. This is just one piece of the universal service puzzle. I support these efforts to fix this little piece today and also look forward to working on the total reform of universal service and modernizing it.

The CHAIRMAN. The question is on the amendment offered by the gen-

tleman from Minnesota (Mr. GUTKNECHT).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 6 by Mr. SMITH of Texas.

Amendment No. 7 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 5 minutes the time for the second electronic vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SMITH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 68, not voting 11, as follows:

[Roll No. 238]

AYES—353

Abercrombie

Ackerman

Aderholt

Alkin

Alexander

Allen

Baca

Bachus

Baird

Baker

Baldwin

Barrett (SC)

Barrow

Bartlett (MD)

Barton (TX)

Bass

Bean

Beauprez

Becerra

Berkley

Berman

Berry

Biggart

Billakis

Bishop (GA)

Bishop (NY)

Bishop (UT)

Blackburn

Blunt

Boehlert

Boehner

Bonilla

Bonner

Boozman

Boren

Boswell

Boucher

Boustany

Boyd

Bradley (NH)

Brady (PA)

Brady (TX)

Brown (OH)

Brown (SC)

Brown, Corrine

Brown-Waite,

Ginny

Burgess

Burton (IN)

Butterfield

Buyer

Calvert

Camp (MI)

Campbell (CA)

Cannon

Cantor

Capito

Cardin

Cardoza

Carnahan

Carson

Carter

Case

Castle

Chabot

Chandler

Chocola

Clay

Cleaver

Clyburn

Coble

Cole (OK)

Conaway

Cooper

Costa

Costello

Cramer

Crenshaw

Crowley

Cubin

Cuellar

Culberson

Cummings

Davis (AL)

Davis (CA)

Davis (KY)

Davis (TN)

Davis, Jo Ann

Davis, Tom

Deal (GA)

DeFazio

Delahunt

DeLauro

Dent

Diaz-Balart, L.

Diaz-Balart, M.

Dicks

Doggett

Doolittle

Drake

Dreier

Duncan

Edwards

Ehlers

Emerson

Engel

English (PA)

Etheridge

Everett

Fattah

Feeney

Ferguson

Fitzpatrick (PA)

Flake

Foley

Forbes

Ford

Fortenberry

Fossella

Fox

Franks (AZ)

Frelinghuysen

Gallely

Garrett (NJ)

Gerlach

Gilchrest

Gillmor

Gingrey

Gohmert

Gonzalez

Goode

Goodlatte

Gordon

Granger

Graves

Green (WI)

Green, Al

Green, Gene

Gutierrez

Gutknecht

Hall

Harris

Hart

Hastings (FL)

Hastings (WA)

Hayes

Hayworth

Hefley

Hensarling

Herger

Herseth

Higgins

Hinojosa

Hobson

Hoekstra

Holden

Hooley

Hostettler

Hoyer

Hulshof

Hunter

Hyde

Inglis (SC)

Israel

Issa

Istook

Jackson-Lee

(TX)

Jenkins

Jindal

Johnson (CT)

Johnson (IL)

Johnson, E. B.

Johnson, Sam

Jones (NC)

Jones (OH)

Kanjorski

Kaptur

Keller

Kelly

Kennedy (MN)

Kind

King (IA)

King (NY)

Kirk

Kline

Knollenberg

Kolbe

Kuhl (NY)

LaHood

Langevin

Larsen (WA)

Larson (CT)

Latham

LaTourette

Leach

Lewis (CA)

Lewis (GA)

Lewis (KY)

Linder

LoBiondo

Lucas

Lungren, Daniel

E.

Lynch

Mack

Maloney

Marchant

Marshall

Matheson

McCarthy

McCaul (TX)

McCollum (MN)

McCotter

McCrery

Andrews

Blumenauer

Capps

Capuano

Conyers

Davis (IL)

DeGette

Dingell

Doyle

Emanuel

Eshoo

Farr

Filner

Frank (MA)

Grijalva

Harman

Hinchey

Holt

Honda

Inslie

Jackson (IL)

Jefferson

Kennedy (RI)

Kildee

McHenry

McIntyre

McKeon

McMorris

Meehan

Meek (FL)

Meeks (NY)

Melancon

Mica

Michaud

Miller (FL)

Miller (MI)

Miller (NC)

Miller, Gary

Mollohan

Moore (KS)

Moran (KS)

Moran (VA)

Murphy

Murtha

Musgrave

Myrick

Nadler

Napolitano

Neugebauer

NOT VOTING—11

Bono	Gibbons	Nussle
Davis (FL)	Kingston	Peterson (PA)
DeLay	Manzullo	Reyes
Evans	McHugh	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that two minutes remain in this vote.

□ 2114

Ms. LINDA T. SÁNCHEZ of California changed her vote from “aye” to “no.”

Messrs. LYNCH, GILCREST, LANGEVIN, GUTIERREZ, HASTINGS of Florida, CLEAVER, CARDIN, BUTTERFIELD, HOYER, MEEHAN, SABO, LEWIS of Georgia and Mrs. MALONEY and Mrs. WILSON of New Mexico changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2115

AMENDMENT NO. 7 OFFERED BY MR. MARKEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 152, noes 269, not voting 11, as follows:

[Roll No. 239]

AYES—152

Abercrombie	Engel	Lee
Allen	Eshoo	Levin
Andrews	Farr	Lewis (GA)
Baird	Filner	Lipinski
Baldwin	Fitzpatrick (PA)	Loftgren, Zoe
Bean	Ford	Lowe
Becerra	Frank (MA)	Lynch
Berkley	Gordon	Maloney
Berman	Grijalva	Markey
Bishop (NY)	Gutierrez	Marshall
Blumenauer	Harman	Matheson
Boucher	Herseth	Matsui
Brown (OH)	Higgins	McCarthy
Burton (IN)	Hinchey	McCollum (MN)
Capps	Holt	McDermott
Capuano	Honda	McGovern
Cardin	Hooley	McKinney
Carson	Hoyer	McNulty
Case	Inslee	Meehan
Chandler	Israel	Miller (NC)
Conyers	Jackson (IL)	Miller, George
Cooper	Jones (NC)	Moore (WI)
Costello	Jones (OH)	Moran (VA)
Davis (CA)	Kanjorski	Murtha
Davis, Tom	Kaptur	Nadler
DeFazio	Kennedy (RI)	Napolitano
DeGette	Kildee	Neal (MA)
Delahunt	Kilpatrick (MI)	Oberstar
DeLauro	Kind	Obey
Dicks	Kucinich	Olver
Dingell	Langevin	Owens
Doggett	Lantos	Pallone
Doyle	Larson (CT)	Pascarell
Emanuel	Leach	Payne

Pelosi	Scott (VA)
Peterson (MN)	Sensenbrenner
Pomeroy	Serrano
Price (NC)	Shays
Rangel	Sherman
Regula	Slaughter
Reichert	Smith (WA)
Ross	Snyder
Rothman	Solis
Roybal-Allard	Stark
Ryan (OH)	Strickland
Sabo	Stupak
Salazar	Tauscher
Sánchez, Linda T.	Taylor (MS)
Sanders	Thompson (CA)
Schakowsky	Thompson (MS)
Schiff	Tierney
	Udall (CO)

NOES—269

Ackerman	Ehlers	LoBiondo
Aderholt	Emerson	Lucas
Akin	English (PA)	Lungren, Daniel E.
Alexander	Etheridge	Mack
Baca	Everett	Marchant
Bachus	Fattah	McCaull (TX)
Baker	Feeney	McCotter
Barrett (SC)	Ferguson	McCrery
Barrow	Flake	McHenry
Bartlett (MD)	Foley	McIntyre
Barton (TX)	Forbes	McKeon
Bass	Fortenberry	McMorris
Beauprez	Fossella	Meek (FL)
Berry	Fox	Meeks (NY)
Biggert	Franks (AZ)	Melancon
Bilirakis	Frelinghuysen	Mica
Bishop (GA)	Gallegly	Michaud
Bishop (UT)	Garrett (NJ)	Millender-Gilchrest
Blackburn	Gerlach	McDonald
Blunt	Gilchrest	Miller (FL)
Boehlert	Gillmor	Miller (MI)
Boehner	Gingrey	Miller, Gary
Bonilla	Gohmert	Mollohan
Bonner	Gonzalez	Moore (KS)
Boozman	Goode	Moran (KS)
Boren	Goodlatte	Murphy
Boswell	Granger	Musgrave
Boustany	Graves	Myrick
Boyd	Green (WI)	Neugebauer
Bradley (NH)	Green, Al	Ney
Brady (PA)	Green, Gene	Northup
Brady (TX)	Gutknecht	Norwood
Brown (SC)	Hall	Nunes
Brown, Corrine	Harris	Ortiz
Brown-Waite,	Hart	Osborne
Ginny	Hastings (FL)	Otter
Burgess	Hastings (WA)	Oxley
Butterfield	Hayes	Pastor
Buyer	Hayworth	Paul
Calvert	Hefley	Pearce
Camp (MI)	Hensarling	Pence
Campbell (CA)	Herger	Petri
Cannon	Hinojosa	Pickering
Cantor	Hobson	Pitts
Capito	Hoekstra	Platts
Cardoza	Holden	Poe
Carnahan	Hostettler	Pombo
Carter	Hulshof	Porter
Castle	Hunter	Price (GA)
Chabot	Hyde	Pryce (OH)
Chocola	Inglis (SC)	Putnam
Clay	Issa	Radanovich
Cleaver	Istook	Rahall
Clyburn	Jackson-Lee	Ramstad
Coble	(TX)	Rehberg
Cole (OK)	Jefferson	Renzi
Conaway	Jenkins	Reynolds
Costa	Jindal	Rogers (AL)
Cramer	Johnson (CT)	Rogers (KY)
Crenshaw	Johnson (IL)	Rogers (MI)
Crowley	Johnson, E. B.	Rohrabacher
Cubin	Johnson, Sam	Ros-Lehtinen
Cuellar	Keller	Royce
Culberson	Kelly	Ruppersberger
Cummings	Kennedy (MN)	Rush
Davis (AL)	King (IA)	Ryan (WI)
Davis (IL)	King (NY)	Ryun (KS)
Davis (KY)	Kirk	Sanchez, Loretta
Davis (TN)	Kline	Saxton
Davis, Jo Ann	Knollenberg	Schmidt
Deal (GA)	Kolbe	Schwartz (PA)
Dent	Kuhl (NY)	Schwarz (MI)
Diaz-Balart, L.	LaHood	Scott (GA)
Diaz-Balart, M.	Larsen (WA)	Sessions
Doolittle	Latham	Shadegg
Drake	LaTourette	Shaw
Dreier	Lewis (CA)	Sherwood
Duncan	Lewis (KY)	Shimkus
Edwards	Linder	

Udall (NM)	Shuster	Tancredo	Walsh
Van Hollen	Simmons	Tanner	Wamp
Velázquez	Simpson	Taylor (NC)	Weldon (FL)
Visclosky	Skellton	Terry	Weldon (PA)
Wasserman	Smith (NJ)	Thomas	Weller
Schultz	Smith (TX)	Thornberry	Westmoreland
Waters	Sodrel	Tiahrt	Whitfield
Watson	Souder	Tiberi	Wicker
Watt	Spratt	Towns	Wilson (SC)
Waxman	Stearns	Turner	Wynn
Weiner	Sullivan	Upton	Young (AK)
Wexler	Sweeney	Walden (OR)	Young (FL)

NOT VOTING—11

Bono	Gibbons	Nussle
Davis (FL)	Kingston	Peterson (PA)
DeLay	Manzullo	Reyes
Evans	McHugh	

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2122

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ADERHOLT) having assumed the chair, Mr. PRICE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5252) to promote the deployment of broadband networks and services, pursuant to House Resolution 850, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MS. SOLIS

Ms. SOLIS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SOLIS. Yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Solis moves to recommit H.R. 5252 to the Committee Energy and Commerce with instructions to report the same forthwith to the House with the following amendments:

Page 13, after line 20, insert the following: “(6) PUBLIC BENEFITS FOR USE OF PUBLIC RIGHTS-OF-WAY.—A cable operator authorized under this section to provide cable service in a local franchise area is authorized pursuant to subsection (f)(1) to use public rights-of-way in the area if the operator complies with subsection (f)(3).”

Page 20, after line 7, insert the following:

“(3) SERVICE AREA REQUIREMENTS.—

“(A) CABLE OPERATOR ELECTS FRANCHISE AREAS TO SERVE.—A cable operator that obtains a national franchise shall not be required under this section to offer cable service in any franchise area.

“(B) NO SERVICE AREA REQUIREMENT FOR 5 YEARS.—A cable operator that obtains a national franchise shall not be required under this subsection to offer service in any portion of a franchise area for 5 years after the effective date of the operator's national franchise under this section.

“(C) MARKET-BASED INCREMENTAL EXPANSION.—Beginning on the date that is 5 years after the effective date of a cable operator's national franchise under this section for a franchise area and every 3 years thereafter, if in the portion of the franchise area where the cable operator is offering cable service to at least 15 percent of the households subscribe to such service, the franchising authority in the franchise area may require the cable operator to increase by 20 percent the households in the franchise area to which the cable operator offers cable service by the beginning of the next 3-year interval, until the cable operator is capable of providing cable service to all households in the franchise area.

“(D) HIGH-COST, RURAL AREAS.—The Commission may—

“(i) limit the application of the provisions of this subsection to a cable operator if the operator demonstrates that compliance with such provisions will result in financial distress to the cable operator;

“(ii) permit a cable operator to offer cable service using alternative technologies to rural or high-cost areas within the franchise area if the service offered is comparable in rates, features, functionalities, and programming to the cable service offered by the cable operator in other parts of the franchise area; and

“(iii) grant exemptions—

“(I) to avoid requiring a cable operator that is an incumbent local exchange carrier (as such term is defined in section 251(h)) on the date of enactment of this section from offering cable service in areas that are outside the area in which the operator provides local exchange service;

“(II) to avoid requiring the extension of service to portions of the franchise area that are sparsely populated and geographically remote from the areas within which the cable operator is offering cable service; and

“(III) to any cable operator that the Commission determines is a small cable operator.

Page 23, beginning on line 23, strike subsection (h) and insert the following:

“(h) ANTIDISCRIMINATION.—

“(1) PROHIBITION.—A cable operator with a national franchise under this section shall not deny or offer inferior access to its cable service to any group of potential or current residential cable service subscribers in a manner that has the purpose or effect of discriminating against that group on the basis of income or in a manner contrary to the first purpose set forth in section 1 of this Act.

“(2) ENFORCEMENT.—

“(A) COMPLAINT.—On request of an affected potential residential subscriber, if a franchising authority in a franchise area has reasonable cause to believe that a cable operator is in violation of this subsection with respect to such franchise area, the franchising authority may initiate a proceeding to enforce the requirements of paragraph (1) within its jurisdiction.

“(B) NOTICE BY FRANCHISING AUTHORITY.—To initiate a proceeding under subparagraph (A), a franchising authority—

“(i) shall give notice of each alleged violation to the cable operator;

“(ii) shall provide a period of not less than 30 days after such notice for the cable operator to respond to each such allegation; and

“(iii) during such period, may require the cable operator to submit a written response

stating the reasons why the operator has not violated this subsection.

“(C) DECISION.—Within 180 days after a franchising authority initiates a proceeding by providing the first notice for such proceeding under subparagraph (B)(i), the franchising authority shall issue a written final decision setting forth its findings and the reasons for its decision.

“(D) APPEAL TO THE COMMISSION.—A final decision issued by a franchising authority under subparagraph (C) may be appealed to the Commission within 30 days after the date of issuance.

“(E) MOTION TO ENFORCE.—If a final decision issued by a franchising authority under subparagraph (C) is not appealed to the Commission within 30 days after the date of issuance, the franchising authority may, within 180 days after the date of issuance, file a motion to enforce its decision with the Commission. Upon the filing of such a motion and after notice to the cable operator, the Commission shall impose remedies on the cable operator pursuant to subparagraphs (I) and (J).

“(F) NOTICE BY COMMISSION.—Upon receipt of an appeal under subparagraph (D), the Commission shall give notice of the appeal to the complainant and the franchising authority that initiated the proceeding under subparagraph (A).

“(G) INVESTIGATION.—In a proceeding under subparagraph (A), the franchising authority may require a cable operator to disclose to the authority such information and documents as necessary to determine whether the cable operator is in compliance with this subsection. In investigating an appeal under this paragraph, the Commission may require a cable operator to disclose to the Commission such information and documents as necessary to determine whether the cable operator is in compliance with this subsection and shall allow the franchising authority that initiated the proceeding under subparagraph (A) to review and comment on such information and documents. The Commission and the franchising authority shall maintain the confidentiality of any proprietary information or document collected under this subparagraph.

“(H) DEADLINE FOR RESOLUTION OF APPEAL.—Not more than 120 days after the Commission receives an appeal under this paragraph, the Commission shall issue a determination with respect to each violation alleged in the decision of the franchising authority.

“(I) DETERMINATION.—In response to a motion to enforce a franchising authority's decision that a cable operator has violated paragraph (1) with respect to a group, or if the Commission determines in response to an appeal that a cable operator has violated paragraph (1) with respect to a group, the Commission shall ensure that the cable operator extends access to that group.

“(J) REMEDIES.—

“(i) IN GENERAL.—This subsection shall be enforced by the Commission under titles IV and V.

“(ii) MAXIMUM FORFEITURE PENALTY.—For purposes of section 503, the maximum forfeiture penalty applicable to a violation of this subsection shall be \$500,000 for each day of the violation.

“(iii) PAYMENT OF PENALTIES TO FRANCHISING AUTHORITY.—The Commission shall order any cable operator subject to a forfeiture penalty under this subsection to pay the penalty directly to the franchising authority involved.

Ms. SOLIS (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

Ms. SOLIS. Mr. Speaker, this bill has good intentions. We all support more cable competition. Greater competition will inevitably help to create jobs and lower consumer costs for all of us, but I urge caution if competition for the attractive parts of the towns come literally at the expense of everywhere else.

What I am trying to say here is that when we talk about competition, and that is a word that is used very loosely, when we talk about competition, oftentimes we forget about what literally happens to the small towns, to the rural areas and to the low-income, underserved areas. That is what we are talking about tonight.

As the world's leading economy, the U.S. must ensure the universal deployment of broadband networks. That means every community is not left behind. Just like the President says leave no child behind, leave no community like mine behind.

Unfortunately, redlining, if you understand the terminology, the practice of companies cherry-picking which communities they will serve, continues, and in my opinion is a threat to our country and to our Nation because you should not be allowed to come into areas where you know you are going to make a profit and exclude those other areas that are in need of having support and sufficient infrastructure support.

We have not done this, in my opinion, in H.R. 5252 which contains a provision that says that they will prevent redlining. It is weak and may prove ineffective, in my opinion.

Over 30 civil rights organizations and consumer groups agree with this assessment. Our mayors, our cities, even in my hometown in Los Angeles the mayor, Antonio Villaraigosa, has come out and said this is not the right thing to do.

We are giving away so much that we should further discuss and debate this issue more thoroughly, and that has not been given to us.

Our communities have felt the sting of being jumped over and left out when it comes to enhanced telecom and other services.

□ 2130

This motion to recommit gives us one opportunity to ensure that broadband is deployed to every single community, whether it is rural, low-income, or an underserved minority community.

The motion to recommit is simple. It establishes a phased-in, market-based buildout of services so that eventually cable operators become capable of serving all households in a franchise area.

What I am talking about is that we know of instances in the State of Michigan, where our ranking member, Mr. DINGELL, has a community, Inkster, which was excluded from buildout. They purposely went out around his area in Michigan and served the outer surrounding community. That community had a higher income. But when they looked at the little portion, the donut hole, they were low income and minority. That is what happened. There was no services provided there.

My motion, Members, is simple. It establishes a phased-in, market-based buildout service so that eventually cable operators become capable of serving all households. That is what this bill should be doing and it doesn't. It extends the prohibition on discrimination based on income to include discrimination based on race, color, religion, and national origin. It also prohibits a cable operator from offering unequal service, upgrades, and repairs to any group of potential or current consumers.

The motion, in my opinion, addresses numerous flaws in the bill that were outlined today by Ranking Member DINGELL, Mr. MARKEY, and others today. It will correct the bill to ensure more competitive broadband alternatives in every neighborhood so all citizens can reap these benefits. I think that is what we are elected to do, to provide coverage for all our consumers.

As the world's leading economy, the U.S. must ensure that universal deployment of competitive broadband networks, whether they live in east Los Angeles or the San Gabriel Valley or the Bronx, every American, every American should have the benefit of the latest digital and video technologies. Instead, the COPE Act, or the Cop-Out Act, in my opinion, I call it, repeals or weakens the bipartisan and time-honored laws that have helped to ensure that those who provide video services do not discriminate among neighborhoods based on income, race, geography or other factors.

I would like to conclude by urging my colleagues to support the motion to recommit.

Mr. BARTON of Texas. Mr. Chairman, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this motion for two principal reasons: The anti-redlining provisions of the motion are unnecessary because the underlying bill has language that has been carefully crafted with the leadership of such distinguished members of the full committee as Mr. RUSH, Mr. WYNN, Mr. TOWNS, Mr. GONZALEZ, and others. We worked on it for a number of months. We have perfected it, we have changed it, and so I think the bill more than adequately addresses that part of the motion to recommit.

On the second part of the motion to recommit, which deals with the concept called buildout, under existing law when you only have one franchise, only have one franchise, I think it is acceptable public policy to require there be a buildout provision because you have a monopoly. But the premise of this bill is to go from a monopoly situation to a market situation where you could have as many as four or five competitors in the same market. If that is the case, what Adam Smith, in that great book called *The Wealth of Nations*, called the hidden hand of the market is going to more than adequately take the place of a monopolistic model buildout requirement.

If you are a new entrant into the market and you have a national franchise and you go into Chicago or New York or Los Angeles, or a small community, like Ennis, Texas, or Arlington, Texas, you are not going to want to just serve a little bit, you are going to want to get market penetration. You are going to want to take away customers from an existing cable provider, so you are going to want to reach out to as many people as is possible and there is not going to be a need for a buildout provision.

I would also point out that these new entrants are going to be, in most cases, telephone companies that already have close to 100 percent of market penetration through their phone lines, or wireless providers that are coming into the market with their towers that, again, will have wide penetration. So there is really not a need for a buildout provision.

So I urge a "no" vote on the motion to recommit.

To close out debate, I am going to yield the balance of my time to my distinguished sponsor, colleague of the full committee, the distinguished gentleman from Chicago (Mr. RUSH).

Mr. RUSH. I want to thank the gentleman for yielding.

Mr. Speaker, I have heard it all. I have heard every argument against the bill, and I have heard all in this motion to recommit. But I must rise to oppose this motion to recommit. And I don't do it lightly, but I must do it.

I must do it because, Mr. Speaker, what I have heard from the opponents of this bill is so confusing, it is creating a confused state in this Chamber. But I would ask all of my colleagues to not get confused about this bill. This is a good bill. This is a great bill. This bill will do a lot and go a long way to making sure that the cost of cable television throughout America, particularly in underserved areas, that we will have competition and the cost of cable will be reduced.

Mr. Speaker, the opponents of this particular resolution, they are trying to confuse us. They are trying to confuse us. They want us to eat the wrapper and throw the candy bar away. They want us to walk outside when it is bright and the sun is shining with our umbrella over our head, and when

there is mist from the rain and the storm, we will walk out with nothing covering our heads. They are trying to confuse us.

Mr. Speaker, I know that this bill will drive the cost of cable down for my community in my district and districts like mine across the country. More than that, this bill, Mr. Speaker, will allow for diversity and ownership diversity in programming. This bill will allow minorities to get into the cable industry and into the telecommunications industry.

I urge my colleagues, don't fall for the confusion. Be clear. Vote against this motion to recommit.

Ms. WATSON. Mr. Speaker, I rise today in support of the Motion to Recommit that I am offering, together with Ms. SOLIS, on H.R. 5252, the COPE Act of 2006. This motion will send this bill back to the Energy & Commerce committee to fix two of the most glaring weaknesses of this bill—the lack build-out provisions necessary to make sure all neighborhoods and communities get service—and the lack of strong anti-discrimination language necessary to prevent redlining.

Our motion will instruct the committee to include language, first to prohibit discrimination based on basis of the race, color, religion, national origin, sex, or income—the same common sense non-discrimination language that has formed the basis of so much legislation here in Congress—and second, to include so-called "build-out" provisions, which require the companies building large broadband networks to make sure that they are expanding their networks on a fair basis to all communities.

The COPE Act—as currently written—allows service providers to cozy-up to some neighborhoods while snubbing others. Without build-out provisions that require service providers to reach all households, many Americans will lack quality service—or be deprived of service entirely—simply because they live in the wrong neighborhood. This means that, under the COPE Act, consumers won't choose their Internet provider—Internet providers will choose their customers.

Furthermore, the COPE Act excludes the anti-discrimination language necessary to ensure equal treatment to all people, no matter what their race, ethnicity or economic situation. Americans will have no legal recourse if they receive inferior or no access to vital telecom services. This anti-discrimination language is necessary to protect all Americans from redlining, particularly those who have historically been denied access to services others take for granted.

In short, the COPE Act as written will leave many people behind as we enter a new technological age. It permits and even encourages redlining by failing to require that telecom companies serve all Americans without discrimination. In the words of Doctor Faye Williams, Chair of the National Congress of Black Women, "Had [this] kind of thinking prevailed during the civil rights movement—the 'don't outlaw discrimination because the situation will take care of itself' claim—we may have never had a Civil Rights Act or Voting Rights Act."

Mr. Speaker, ladies and gentlemen, my dear colleagues—we can fix this bill. I urge you to vote for the Solis/Watson Motion to recommit, so we can send this bill back to committee, fix

these glaring weaknesses, and give Americans a telecom bill that brings the entire country—not just certain neighborhoods and people—the broadband age.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SOLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 165, nays 256, not voting 11, as follows:

[Roll No. 240]

YEAS—165

Abercrombie	Holden	Ortiz
Ackerman	Holt	Owens
Allen	Honda	Pallone
Andrews	Hookey	Pascarella
Baird	Hoyer	Pastor
Baldwin	Israel	Payne
Barrow	Jackson (IL)	Pelosi
Becerra	Jackson-Lee	Price (NC)
Berkley	(TX)	Rahall
Berman	Jefferson	Rangel
Bishop (NY)	Johnson, E. B.	Rothman
Blumenauer	Jones (NC)	Roybal-Allard
Brady (PA)	Jones (OH)	Ruppersberger
Brown (OH)	Kanjorski	Ryan (OH)
Brown, Corrine	Kaptur	Sabo
Capps	Kennedy (RI)	Sánchez, Linda
Capuano	Kildee	T.
Cardin	Kilpatrick (MI)	Sánchez, Loretta
Carnahan	Kind	Sanders
Carson	Kucinich	Schakowsky
Case	Langevin	Schiff
Chandler	Lantos	Schwartz (PA)
Cleaver	Larson (CT)	Scott (VA)
Clyburn	Lee	Serrano
Conyers	Levin	Sherman
Cooper	Lewis (GA)	Skelton
Costello	Lofgren, Zoe	Slaughter
Crowley	Lowey	Snyder
Davis (AL)	Lynch	Solis
Davis (CA)	Maloney	Spratt
Davis (IL)	Markey	Stark
DeFazio	Marshall	Strickland
DeGette	Matsui	Stupak
Delahunt	McCarthy	Tanner
DeLauro	McCollum (MN)	Tauscher
Dicks	McDermott	Taylor (MS)
Dingell	McGovern	Thompson (CA)
Doggett	McIntyre	Thompson (MS)
Doyle	McKinney	Tierney
Emanuel	McNulty	Udall (CO)
Engel	Meehan	Udall (NM)
Eshoo	Michaud	Van Hollen
Etheridge	Millender-	Velázquez
Farr	McDonald	Visclosky
Fattah	Miller (NC)	Wasserman
Filner	Miller, George	Schultz
Ford	Mollohan	Waters
Frank (MA)	Moore (KS)	Watson
Gordon	Moore (WI)	Watt
Green, Al	Moran (VA)	Waxman
Grijalva	Murtha	Weiner
Gutierrez	Nadler	Wexler
Harman	Napolitano	Wilson (NM)
Hastings (FL)	Neal (MA)	Woolsey
Higgins	Oberstar	Wu
Hinchey	Obey	
Hinojosa	Oliver	

NAYS—256

Aderholt	Barrett (SC)	Berry
Akin	Bartlett (MD)	Biggart
Alexander	Barton (TX)	Bilirakis
Baca	Bass	Bishop (GA)
Bachus	Bean	Bishop (UT)
Baker	Beauprez	Blackburn

Blunt	Granger	Oxley
Boehlert	Graves	Paul
Boehner	Green (WI)	Pearce
Bonilla	Green, Gene	Pence
Bonner	Gutknecht	Peterson (MN)
Boozman	Hall	Petri
Boren	Harris	Pickering
Boswell	Hart	Pitts
Boucher	Hastings (WA)	Platts
Boustany	Hayes	Poe
Boyd	Hayworth	Pombo
Bradley (NH)	Hefley	Pomeroy
Brady (TX)	Hensarling	Porter
Brown (SC)	Herger	Price (GA)
Brown-Waite,	Herseth	Pryce (OH)
Ginny	Hobson	Putnam
Burgess	Hoekstra	Radanovich
Burton (IN)	Hostettler	Ramstad
Butterfield	Hulshof	Regula
Buyer	Hunter	Rehberg
Calvert	Hyde	Reichert
Camp (MI)	Inglis (SC)	Renzi
Campbell (CA)	Inslee	Reynolds
Cannon	Issa	Rogers (AL)
Cantor	Istook	Rogers (KY)
Capito	Jenkins	Rogers (MI)
Cardoza	Jindal	Rohrabacher
Carter	Johnson (CT)	Ros-Lehtinen
Castle	Johnson (IL)	Ross
Chabot	Johnson, Sam	Royce
Chocola	Keller	Rush
Clay	Kelly	Ryan (WI)
Coble	Kennedy (MN)	Ryun (KS)
Cole (OK)	King (IA)	Salazar
Conaway	King (NY)	Saxton
Costa	Kirk	Schmidt
Cramer	Kline	Schwarz (MI)
Crenshaw	Knollenberg	Scott (GA)
Cubin	Kolbe	Sensenbrenner
Cuellar	Kuhl (NY)	Sessions
Culberson	LaHood	Shadegg
Cummings	Larsen (WA)	Shaw
Davis (KY)	Latham	Shays
Davis (TN)	LaTourette	Sherwood
Davis, Jo Ann	Leach	Shimkus
Davis, Tom	Lewis (CA)	Shuster
Deal (GA)	Lewis (KY)	Simmons
Dent	Linder	Simpson
Diaz-Balart, L.	Lipinski	Smith (NJ)
Diaz-Balart, M.	LoBiondo	Smith (TX)
Doolittle	Lucas	Smith (WA)
Drake	Lungren, Daniel	Sodrel
Dreier	E.	Souder
Duncan	Mack	Stearns
Edwards	Marchant	Sullivan
Ehlers	Matheson	Sweeney
Emerson	McCaul (TX)	Tancred
English (PA)	McCotter	Taylor (NC)
Everett	McCrery	Terry
Feeney	McHenry	Thomas
Ferguson	McKeon	Thornberry
Fitzpatrick (PA)	McMorris	Tiahrt
Flake	Meek (FL)	Tiberi
Foley	Meeks (NY)	Towns
Forbes	Melancon	Turner
Fortenberry	Mica	Upton
Fossella	Miller (FL)	Walden (OR)
Fox	Miller (MI)	Walsh
Franks (AZ)	Miller, Gary	Wamp
Frelinghuysen	Moran (KS)	Weldon (FL)
Galleghy	Murphy	Weldon (PA)
Garrett (NJ)	Musgrave	Weller
Gerlach	Myrick	Westmoreland
Gilchrist	Neugebauer	Whitfield
Gillmor	Ney	Wicker
Gingrey	Northup	Wilson (SC)
Gohmert	Norwood	Wolf
Gonzalez	Nunes	Wynn
Goode	Osborne	Young (AK)
Goodlatte	Otter	Young (FL)

NOT VOTING—11

Bono	Gibbons	Nussle
Davis (FL)	Kingston	Peterson (PA)
DeLay	Manzullo	Reyes
Evans	McHugh	

□ 2156

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 321, nays 101, not voting 11, as follows:

[Roll No. 241]

YEAS—321

Ackerman	Diaz-Balart, L.	Keller
Aderholt	Diaz-Balart, M.	Kelly
Akin	Dicks	Kennedy (MN)
Alexander	Doolittle	Kennedy (RI)
Andrews	Drake	Kind
Baca	Dreier	King (IA)
Bachus	Duncan	King (NY)
Baker	Edwards	Kirk
Barrett (SC)	Ehlers	Kline
Barrow	Emerson	Knollenberg
Bartlett (MD)	Engel	Kolbe
Barton (TX)	English (PA)	Kuhl (NY)
Bass	Etheridge	LaHood
Bean	Everett	Langevin
Beauprez	Feeney	Larson (CT)
Berkley	Ferguson	Latham
Berry	Fitzpatrick (PA)	LaTourette
Biggart	Flake	Leach
Bilirakis	Foley	Lewis (CA)
Bishop (GA)	Forbes	Lewis (KY)
Bishop (NY)	Ford	Linder
Bishop (UT)	Fortenberry	Lipinski
Blackburn	Fossella	LoBiondo
Blunt	Fox	Lucas
Boehlert	Franks (AZ)	Lungren, Daniel
Boehner	Frelinghuysen	E.
Bonilla	Galleghy	Lynch
Bonner	Garrett (NJ)	Mack
Boozman	Gerlach	Marchant
Boren	Gilchrist	Marshall
Boswell	Gillmor	Matheson
Boucher	Gingrey	McCarthy
Boustany	Gohmert	McCaul (TX)
Boyd	Gonzalez	McCrery
Bradley (NH)	Goodlatte	McHenry
Brady (TX)	Gordon	McIntyre
Brown (SC)	Granger	McKeon
Brown, Corrine	Graves	McMorris
Brown-Waite,	Green (WI)	Meek (FL)
Ginny	Green, Al	Meeks (NY)
Burgess	Green, Gene	Melancon
Burton (IN)	Gutierrez	Mica
Butterfield	Gutknecht	Michaud
Buyer	Hall	Miller (FL)
Calvert	Harman	Miller, Gary
Camp (MI)	Harris	Mollohan
Campbell (CA)	Hart	Moore (KS)
Cannon	Hastert	Moran (KS)
Cantor	Hastings (FL)	Moran (VA)
Capito	Hastings (WA)	Murphy
Cardin	Hayes	Musgrave
Cardoza	Hayworth	Myrick
Carnahan	Hefley	Neal (MA)
Carson	Hensarling	Neugebauer
Carter	Herger	Ney
Castle	Herseth	Northup
Chabot	Higgins	Norwood
Chandler	Hinojosa	Nunes
Chocola	Hobson	Ortiz
Clay	Hookey	Osborne
Clyburn	Hostettler	Otter
Coble	Hoyer	Owens
Cole (OK)	Hulshof	Oxley
Conaway	Hunter	Pallone
Cooper	Hyde	Pascarella
Costa	Inglis (SC)	Pastor
Cramer	Inslee	Pearce
Crenshaw	Israel	Pence
Crowley	Issa	Petri
Cubin	Istook	Pickering
Cuellar	Jackson (IL)	Pitts
Culberson	Jackson-Lee	Platts
Cummings	(TX)	Poe
Davis (AL)	Jefferson	Pombo
Davis (IL)	Jenkins	Pomeroy
Davis (KY)	Jindal	Porter
Davis (TN)	Johnson (CT)	Price (GA)
Davis, Jo Ann	Johnson (IL)	Pryce (OH)
Davis, Tom	Johnson, E. B.	Putnam
Deal (GA)	Johnson, Sam	Radanovich
DeLauro	Jones (NC)	Rahall
Dent	Jones (OH)	Ramstad

Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Rush
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sessions
Shadegg

NAYS—101

Abercrombie
Allen
Baird
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Case
Cleaver
Conyers
Costello
Davis (CA)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Doyle
Emanuel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Goode
Grijalva
Hinchey
Hoekstra
Holden
Holt
Honda

NOT VOTING—11

Bono
Davis (FL)
DeLay
Evans

□ 2205

Mr. CLEAVER changed his vote from “yea” to “nay.”

Mr. MORAN of Virginia changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 4939, EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND HURRICANE RECOVERY, 2006

Mr. LEWIS of California submitted the following conference report and statement on the bill (H.R. 4939) making emergency supplemental appropria-

Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watt
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

Payne
Pelosi
Peterson (MN)
Price (NC)
Roybal-Allard
Ryan (OH)
Sabo
Sánchez, Linda
T.
Sanders
Schakowsky
Schiff
Scott (VA)
Sensenbrenner
Serrano
Sherman
Slaughter
Snyder
Solis
Stark
Tancredo
Tauscher
Taylor (MS)
Thompson (CA)
Tierney
Velázquez
Waters
Murtha
Watson
Waxman
Weiner
Wilson (NM)
Woolsey
Wu

Nussle
Peterson (PA)
Reyes

tions for the fiscal year ending September 30, 2006, and for other purposes:

CONFERENCE REPORT (H. REPT. 109-494)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4939), “making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes”, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for “Public Law 480 Title II Grants”, during the current fiscal year, not otherwise recoverable, and unrecovered prior years’ costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, \$350,000,000, to remain available until expended: Provided, That from this amount, to the maximum extent possible, funding shall be used to support the previously approved fiscal year 2006 programs under section 204(a)(2) of the Agricultural Trade Development and Assistance Act of 1954: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$6,587,473,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$1,321,474,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$340,872,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$1,155,713,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

gress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$140,570,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$110,712,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$10,627,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$1,940,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$111,550,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$1,200,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for “Operation and Maintenance, Army”, \$17,744,410,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$2,696,693,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$1,639,911,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$5,576,257,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$2,830,677,000, of which—

(1) not to exceed \$25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom;

(2) not to exceed \$5,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes;

(3) not to exceed \$740,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph; and

(4) up to \$75,000,000 shall be transferred to the Coast Guard "Operating Expenses" account:

Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$100,100,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$78,509,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", \$87,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$18,563,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$178,600,000: Provided, That the amount provided under this heading is designated as an

emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$30,400,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

For an additional amount for "Former Soviet Union Threat Reduction Account", \$44,500,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AFGHANISTAN SECURITY FORCES FUND
(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", \$1,908,133,000, to remain available until September 30, 2007: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation—Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", \$3,007,000,000, to remain available until September 30, 2007: Provided, That such funds shall

be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command—Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$1,958,089,000, to remain available until September 30, 2008: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working

capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$345,000,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$203,300,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$1,767,451,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$829,679,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$5,819,645,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$516,869,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$55,200,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$323,256,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$54,640,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$2,577,467,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$674,815,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$29,047,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$1,500,591,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$331,353,000, to remain available until September 30, 2008: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$54,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$124,845,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emer-

gency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$382,630,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$148,551,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$516,700,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$1,153,562,000 for operation and maintenance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$150,470,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and the Central Asia area: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$5,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For an additional amount for the "Intelligence Community Management Account", \$158,875,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 1201. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to \$2,000,000,000 of the funds made available to the Department of Defense in this chapter: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Provided further, That the authority in this section is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2006, except for the fourth proviso.

(TRANSFER OF FUNDS)

SEC. 1202. Section 8005 of the Department of Defense Appropriations Act, 2006, (Public Law 109-148; 119 Stat. 2680), is amended by striking "\$3,750,000,000" and inserting "\$5,000,000,000": Provided, That funds previously transferred among appropriations under the authority of section 8005 of Public Law 109-148 pursuant to reprogramming action 06-13PA may be restored to their source appropriations accounts: Provided further, That transfers made pursuant to reprogramming action 06-13PA and transfers back under this section shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(TRANSFER OF FUNDS)

SEC. 1203. During fiscal year 2006 and from funds in the Defense Cooperation Account, the Secretary of Defense may transfer not to exceed \$5,800,000 to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the amount made available by the transfer of funds in or pursuant to this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1204. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2006 (Public Law 109-163) is amended by striking "\$289,447,000" and inserting "\$345,547,000".

SEC. 1205. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this Act under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed \$22,200,000 may be made available for support for counter-drug activities of the Governments of Afghanistan and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsections (b)(2) and (b)(3) of this section, the support that may

be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85, as amended by Public Law 106-398 and Public Law 108-136), and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2006.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

(3) For the Government of Afghanistan, the Secretary of Defense may also provide individual and crew-served weapons, and ammunition for counter-drug security forces.

SEC. 1206. Notwithstanding 10 U.S.C. 2208(l), the total amount of advance billings rendered or imposed for all working capital funds of the Department of Defense in fiscal year 2006 shall not exceed \$1,200,000,000: Provided, That the amounts made available pursuant to this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 1207. In addition to amounts authorized in section 1202(a) of Public Law 109-163, from funds made available in this chapter to the Department of Defense, not to exceed \$423,000,000 may be used to fund the Commander's Emergency Response Program and for a similar program to assist the people of Afghanistan, to remain available until December 31, 2007.

SEC. 1208. Supervision and administration costs associated with a construction project funded with "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" appropriations may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1209. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1210. Effective as of January 6, 2006, and as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), subsection (d)(2) of section 1478 of title 10, United States Code, as added by section 664(b) of such Act (119 Stat. 3316), is amended by striking "May 11, 2005" and inserting "August 31, 2005".

(RESCISSIONS)

SEC. 1211. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Missile Procurement, Air Force, 2006/2008", \$80,000,000;

"Other Procurement, Air Force, 2005/2007", \$39,400,000.

SEC. 1212. (a) SENSE OF CONGRESS.—Congress recognizes the importance of ensuring that absent uniformed services voters, Department of Defense personnel, and their dependents have the opportunity to exercise their right to vote.

(b) IVAS BALLOT REQUEST PROGRAM.—

(1) The Interim Voting Assistance System (IVAS) Ballot Request Program shall be continued with respect to all absent uniformed services voters, Department of Defense personnel, and dependents covered by the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) with the objective to further improve ballot request procedures and voting assistance with respect to such persons.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense com-

mittees a report on the status of the program referred to in paragraph (1), including an accounting of the utilization of funds available for the program under subsection (c).

(c) FUNDING.—Of the amounts provided by this chapter, \$2,500,000 shall be available for the program referred to in subsection (b).

SEC. 1213. (a) FINDINGS.—The Senate makes the following findings:

(1) Title IX of the Department of Defense Appropriations Act, 2006 (division A of Public Law 109-148) appropriated \$50,000,000,000 for the cost of ongoing military operations overseas in fiscal year 2006, although those funds were not requested by the President.

(2) The President on February 16, 2006, submitted to Congress a request for supplemental appropriations in the amount of \$67,600,000,000 for ongoing military operations in fiscal year 2006, none of which supplemental appropriations was included in the concurrent resolution on the budget for fiscal year 2006, as agreed to in the Senate on April 28, 2005.

(3) The President on February 6, 2006, included a \$50,000,000,000 allowance for ongoing military operations in fiscal year 2007, but did not formally request the funds or provide any detail on how the allowance may be used.

(4) The concurrent resolution on the budget for fiscal year 2007, as agreed to in the Senate on March 16, 2007, anticipates as much as \$86,300,000,000 in emergency spending in fiscal year 2007, indicating that the Senate expects to take up another supplemental appropriations bill to fund ongoing military operations during fiscal year 2007.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) any request for funds for a fiscal year after fiscal year 2007 for ongoing military operations in Afghanistan and Iraq should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code;

(2) any request for funds for such a fiscal year for ongoing military operations should provide an estimate of all funds required in that fiscal year for such operations;

(3) any request for funds for ongoing military operations should include a detailed justification of the anticipated use of such funds for such operations; and

(4) any funds provided for ongoing military operations overseas should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such appropriations Acts.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE
PRESIDENTUNITED STATES AGENCY FOR INTERNATIONAL
DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", \$7,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEVELOPMENT ASSISTANCE

For an additional amount for "Development Assistance", \$16,500,000, to remain available until September 30, 2007: Provided, That of the funds appropriated under this heading, \$6,000,000 shall be made available for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Disaster and Famine Assistance", \$161,300,000, to remain available until expended, of which up to \$80,000 may be transferred to and merged with "Operating Expenses of the United States Agency for International Development", for associated administrative costs: Provided, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", \$101,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Economic Support Fund", \$1,686,000,000, to remain available until September 30, 2007, of which up to \$11,000,000 may be used for the costs, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct loans and guarantees for Afghanistan or otherwise of reducing any amounts owed to the United States or any agency of the United States by Afghanistan: Provided, That such amounts for the costs of modifying direct loans and guarantees shall not be considered "assistance" for the purposes of any provision of law limiting assistance to a country: Provided further, That the last proviso under the heading "Economic Support Fund" in title II of Public Law 109-102 and comparable provisions in prior Acts making appropriations for foreign operations, export financing, and related programs shall no longer be applicable to funds appropriated under such heading in this Act or any prior Act: Provided further, That of the funds available under this heading for assistance for Afghanistan, \$5,000,000 shall be made available for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant universities: Provided further, That of the funds available under this heading for assistance for Iraq, not less than \$50,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than \$5,000,000 shall be transferred to and merged with funds appropriated under the heading "Iraq Relief and Reconstruction Fund" in chapter 2 of title II of Public Law 108-106 and shall be made available for the Marla Ruzicka Iraqi War Victims Fund: Provided further, That of the funds made available under this heading for assistance for Iraq, not less than \$50,000,000 shall be made available for programs and activities to promote democracy, the rule of law and reconciliation: Provided further, That funds appropriated under this heading that are made available for police and judicial reform in Haiti shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE

DEMOCRACY FUND

For an additional amount for "Democracy Fund", \$22,500,000, of which \$20,000,000 shall be

made available for programs and activities promoting democracy in Iran and of which \$2,500,000 shall be made available for assistance for the Democratic Republic of the Congo, to remain available until September 30, 2007: Provided, That funds appropriated under this heading shall be made available notwithstanding any other provision of law, and those funds made available to promote democracy in Iran shall be administered by the Middle East Partnership Initiative, in consultation with the Bureau of Democracy, Human Rights, and Labor of the Department of State: Provided further, That funds made available under this heading in this Act shall be subject to the regular notification procedures of the Committees on Appropriations: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", \$107,700,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than \$3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombian Fiscalía notwithstanding section 599E of Public Law 109-102: Provided further, That of the funds appropriated under this heading, up to \$13,000,000 is available for procurement of a maritime patrol aircraft for the Colombian Navy and may be transferred to and merged with funds previously appropriated to the "Foreign Military Financing Program" to finance such procurement: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", \$75,700,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For an additional amount for "International Affairs Technical Assistance", \$13,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

For an additional amount for "Peacekeeping Operations", \$178,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Funds appropriated or made available by transfer in this chapter may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956 and section 10 of Public Law 91-672 (22 U.S.C. 2412).

SEC. 1302. (a) Notwithstanding any other provision of law, amounts under the heading "Iraq Relief and Reconstruction Fund" in title II of Public Law 108-106 shall remain available for one additional year from the date on which the availability of funds would otherwise have expired, if such funds are initially obligated before the expiration of the period of availability provided herein: Provided, That notwithstanding section 2207(d) of Public Law 108-106, requirements of section 2207 of Public Law 108-106 shall expire on October 1, 2008.

(b) Chapter 2 of title II of Public Law 108-106 (117 Stat. 1225-1226), as amended by Public Law 108-309 (118 Stat. 1142-1143), is further amended under the heading "Iraq Relief and Reconstruction Fund" by—

(1) striking "\$5,090,000,000" and inserting "\$5,036,000,000" for security and law enforcement;

(2) striking "\$1,960,000,000" and inserting "\$2,349,800,000" for justice, public safety infrastructure, and civil society;

(3) striking "\$4,455,000,000" and inserting "\$4,220,000,000" for the electric sector;

(4) striking "\$1,723,000,000" and inserting "\$1,735,600,000" for oil infrastructure;

(5) striking "\$2,361,000,000" and inserting "\$2,131,100,000" for water resources and sanitation;

(6) striking "\$500,000,000" and inserting "\$465,500,000" for transportation and telecommunications;

(7) striking "\$370,000,000" and inserting "\$333,700,000" for roads, bridges, and construction;

(8) striking "\$793,000,000" and inserting "\$739,000,000" for health care;

(9) striking "\$845,000,000" and inserting "\$805,300,000" for private sector development; and

(10) striking "\$342,000,000" and inserting "\$410,000,000" for education, refugees, human rights, and governance.

SEC. 1303. Of the funds made available for Coalition Solidarity Initiative under the heading "Peacekeeping Operations" in chapter 2 of title II of division A of Public Law 109-13, \$7,000,000 is rescinded.

SEC. 1304. (a) Section 550 of Public Law 109-102 (119 Stat. 2217) is amended to read as follows:

"PROHIBITION ON ASSISTANCE FOR THE PALESTINIAN AUTHORITY

"SEC. 550. (a) PROHIBITION ON ASSISTANCE.—None of the funds appropriated by this Act or any prior Act making appropriations for foreign operations, export financing, and related programs, may be obligated or expended for assistance for the Palestinian Authority unless the Secretary of State determines, and so reports to the Committees on Appropriations, that the Palestinian Authority has complied with the standards contained in the Quartet's January 30, 2006 Statement on the Situation in the Middle East that "a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap".

"(b) WAIVER AUTHORITY.—

"(1) The President may waive subsection (a) with respect to the administrative and personal security costs of the Office of the President of the Palestinian Authority, for activities of the President of the Palestinian Authority to promote democracy, peaceful resolution of the Israeli-Palestinian conflict, and the rule of law, and with respect to independent agencies, if the President certifies and reports to the Committees on Appropriations that—

"(A) it is in the national security interest of the United States to provide such assistance;

"(B) as the case may be, the President of the Palestinian Authority, the President's party, and independent agencies and any members thereof, are not members of, appointed by, or effectively controlled by Hamas or any other foreign terrorist organization; and

“(C) assistance provided under the authority of this subsection will not be transferred or retransferred to any member of Hamas or other foreign terrorist organization or to any entity effectively controlled by Hamas or other foreign terrorist organization.

“(2) Not less than 15 days prior to exercising the authority provided in this subsection, the President shall consult with, and shall provide a written policy justification to, the Committees on Appropriations of the House of Representatives and the Senate and the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

“(c) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations describing how the funds will be spent and the accounting procedures in place to ensure proper oversight and accountability.”.

(b) Effective on the date of enactment of this Act, none of the funds appropriated under the heading “Economic Support Fund” in Public Law 109–102 (119 Stat. 2217) or any prior Act making appropriations for foreign operations, export financing and related programs may be obligated for assistance for the West Bank and Gaza until the Secretary of State consults with the Committees on Appropriations, submits a revised plan for such assistance to the Committees on Appropriations, and determines and reports to the Committees on Appropriations that appropriate procedures and safeguards exist to ensure that United States assistance is not provided to or through any individual, private or government entity, or educational institution, that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity.

SEC. 1305. Of the funds appropriated under the heading “Subsidy Appropriation” for the Export-Import Bank of the United States that are available for tied-aid grants in title I of Public Law 107–115 and under such heading in prior Acts making appropriations for foreign operations, export financing, and related programs, \$37,000,000 are rescinded.

SEC. 1306. To the extent not otherwise authorized, supervision and administrative costs of the Department of Defense associated with a construction project funded with the Iraq Relief and Reconstruction Fund may be obligated at the time a construction contract is awarded or, for pre-existing contracts, by September 30, 2006: Provided, That for the purposes of this section, supervision and administration costs include all in-house Government costs.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

For an additional amount for “Operating Expenses”, \$26,692,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 5

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$187,100,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year

2006: Provided further, That \$50,000,000 of the funds provided under this heading may not be obligated or expended until after that date on which the Secretary of Defense submits a detailed plan for Counter IED/Urban Bypass Roads, Iraq, to the Committees on Appropriations of the House of Representatives and Senate.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$27,700,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$20,600,000, to remain available until September 30, 2007: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES

ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, \$3,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$85,700,000, to remain available until September 30, 2007: Provided, That no funding provided under this heading shall be available for obligation for a new or enhanced information technology program unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations that the information technology program has appropriate program management and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice and Federal Bureau of Investigation: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$14,200,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an

emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$4,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Diplomatic and Consular Programs”, \$1,383,625,000, to remain available until September 30, 2007: Provided, That of the funds available under this heading, not less than \$250,000 shall be made available for the establishment and adequate support, including staffing and travel, of the Office of the Presidential Special Envoy for Sudan: Provided further, That of the amount made available under this heading, \$1,000,000 shall be available for transfer to the United States Institute of Peace: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of Inspector General”, \$25,300,000, to remain available until September 30, 2007, of which \$24,000,000 shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for “Educational and Cultural Exchange Programs”, \$5,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL

PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, \$129,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for programs and activities promoting democracy in Iran, \$10,274,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BROADCASTING CAPITAL IMPROVEMENTS

For an additional amount for "Broadcasting Capital Improvements", \$25,826,000, to support programming to Iran, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1601. Funds appropriated or made available in this chapter for the Broadcasting Board of Governors and the Department of State may be obligated and expended notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947.

SEC. 1602. (a) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED FOREIGN SERVICE ANNUITANTS.—Section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)) is amended to read as follows:

"(g)(1) To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Secretary of State may waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis, or grant authority to the head of an Executive agency to waive the application of subsections (a) through (d) on a case-by-case basis for an annuitant reemployed on a temporary basis—

"(A) if, and for so long as, such waiver is necessary due to an emergency involving a direct threat to life or property or other unusual circumstances; or

"(B) if the annuitant is employed in a position for which there is exceptional difficulty in recruiting or retaining a qualified employee.

"(2) The authority of the Secretary to waive the application of subsections (a) through (d) for an annuitant pursuant to subparagraph (B) of paragraph (1), or to grant authority to the head of an Executive agency to waive the application of such subsections to an annuitant under subparagraphs (A) or (B) of such paragraph, shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(3) The Secretary should prescribe procedures for the exercise of any authority under paragraph (1), including criteria for any exercise of authority and procedures for a delegation of authority."

(b) WAIVER OF ANNUITY LIMITATIONS ON REEMPLOYED CIVIL SERVICE ANNUITANTS.—

(1) DEPARTMENT OF STATE.—Title I of the Department of State Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by adding at the end the following new section:

"SEC. 61. REEMPLOYMENT OF ANNUITANTS UNDER THE CIVIL SERVICE RETIREMENT SYSTEM AND FEDERAL EMPLOYEES' RETIREMENT SYSTEM.

"(a) AUTHORITY.—

"(1) IN GENERAL.—To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Secretary of State may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the Department of State for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(2) TERMINATION OF AUTHORITY.—The authority of the Secretary under paragraph (1) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(b) PROCEDURES.—The Secretary should prescribe procedures for the exercise of any authority under subsection (a), including criteria for any exercise of authority and procedures for a delegation of authority.

"(c) ANNUITANTS NOT TREATED AS EMPLOYEES FOR PURPOSES OF RETIREMENT BENEFITS.—An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code."

(2) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—Section 625 of the Foreign Assistance Act of 1961 (22 U.S.C. 2385) is amended by adding at the end the following new subsection:

"(j)(1)(A) To facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the Service assigned to Iraq and Afghanistan, the Administrator of the United States Agency for International Development may waive the application of the provisions of section 8344 or 8468 of title 5, United States Code, on a case-by-case basis for employment of an annuitant in a position in the United States Agency for International Development for which there is exceptional difficulty in recruiting or retaining a qualified employee, or when a temporary emergency hiring need exists.

"(B) The authority of the Administrator under subparagraph (A) shall terminate on October 1, 2008. An annuitant reemployed pursuant to such authority prior to such termination date may be employed for a period ending not later than one year after such date.

"(2) The Administrator should prescribe procedures for the exercise of any authority under this subsection, including criteria for any exercise of authority and procedures for a delegation of authority.

"(3) An employee for whom a waiver under this section is in effect shall not be considered an employee for purposes of subchapter III of chapter 83, or chapter 84 of title 5, United States Code."

(c) REPORT ON USE OF ANNUITY LIMITATION WAIVER AUTHORITY.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Homeland Security and Government Affairs of the Senate and the Committee on International Relations, the Committee on Appropriations, and the Committee on Government Reform of the House of Representatives a report on the exercise of the waiver authorities provided under section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)), as amended by subsection (a), section 61 of the State Department Basic Authorities Act of 1956, as added by subsection (b)(1), and section 625(j) of the Foreign Assistance Act of 1961, as added by subsection (b)(2). The report shall include the number and type of positions that have been filled under such waiver authority, and the retirement date, former job title, and new job title of each annuitant reemployed under such authority.

(d) HOME LEAVE PROVISIONS.—

(1) TRAVEL EXPENSES FOR REST AND RECOVERY TRAVEL.—Section 901(6) of the Foreign Service Act (22 U.S.C. 4081(6)) is amended by striking "unbroken by home leave" each place it appears.

(2) AUTHORITY TO REQUIRE LEAVES OF ABSENCE.—Section 903(a) of the Foreign Service Act (22 U.S.C. 4083) is amended by striking "18 months" and inserting "12 months".

(e) AUTHORITY TO PROVIDE ACCOMMODATION AND SUBSISTENCE TO INDIVIDUALS SERVING IN IRAQ AND AFGHANISTAN.—The Secretary of State may provide during any fiscal year, with or without reimbursement, accommodation and subsistence to personnel in Iraq and Afghanistan for whom the Chief of Mission is responsible.

SEC. 1603. (a) IN GENERAL.—During fiscal years 2006, 2007, and 2008, the head of an agen-

cy may, in the agency head's discretion, provide to an individual employed by, or assigned or detailed to, such agency allowances, benefits, and gratuities comparable to those provided by the Secretary of State to members of the Foreign Service under section 413 and chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 3973; 4081 et seq.), if such individual is on official duty in Iraq or Afghanistan.

(b) CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect the authority of the head of an agency under any other provision of law.

(c) APPLICABILITY OF CERTAIN AUTHORITIES.—Section 912(a) of the Internal Revenue Code of 1986 shall apply with respect to amounts received as allowances or otherwise under this section in the same manner as section 912 of the Internal Revenue Code of 1986 applies with respect to amounts received by members of the Foreign Service as allowances or otherwise under chapter 9 of title I of the Foreign Service Act of 1980.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$1,800,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE II

FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1

DEPARTMENT OF AGRICULTURE

EXECUTIVE OPERATIONS

WORKING CAPITAL FUND

For an additional amount for "Working Capital Fund", \$25,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$445,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities", \$20,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**NATURAL RESOURCES CONSERVATION SERVICE
EMERGENCY WATERSHED PROTECTION PROGRAM**

For an additional amount for “Emergency Watershed Protection Program”, \$50,955,000, to remain available until expended, for emergency measures in disaster areas affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That notwithstanding any other provision of law, the Secretary, acting through the Natural Resources Conservation Service, using funds made available under this heading may provide financial and technical assistance to remove and dispose of debris and animal carcasses that could adversely affect health and safety on non-Federal land in a hurricane-affected county: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$1,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for State Rural Development offices located in Mississippi and Louisiana: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RURAL COMMUNITY ADVANCEMENT PROGRAM

For an additional amount for the cost of community facilities direct loans, loan guarantees, and grants described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$25,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That not to exceed \$5,000,000 shall be available for direct and guaranteed loans: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(INCLUDING TRANSFER OF FUNDS)

SEC. 2101. Notwithstanding subsection (b) of section 102 of title I of division B of Public Law 109-148 (119 Stat. 2748), the Secretary of Agriculture may provide financial and technical assistance in carrying out such section in an amount up to 100 percent Federal share, as provided in regulations implementing the emergency watershed protection program: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2102. Notwithstanding any other provision of law, the Chief of the Natural Resources Conservation Service may enter into agreements to donate up to 20 used vehicles currently on loan to organizations or State or local units of government affected by Hurricane Katrina and other hurricanes of the 2005 season.

SEC. 2103. The Secretary of Agriculture may continue to use any of the authorities provided in section 105 of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2749-2750), for a period not to exceed 18 additional months: Provided, That the authority provided in subsection (a)(7) of such section may allow funds made available under the Community Facility Grant program to be approved without regard to income limits for purposes related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season for structures designated by a State or local governmental entity as an emergency shelter: Provided further, That

the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2104. Of the funds appropriated in section 101(a) of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2747), to provide assistance under the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), \$38,000,000 are transferred to the National Oceanic and Atmospheric Administration in the Department of Commerce for activities involving oysters: Provided, That the amount transferred under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2105. Section 101(b) of chapter 1 of title I of division B of Public Law 109-148 (119 Stat. 2747) is amended—

- (1) in the heading, by striking “, Oyster,”;
- (2) in the matter preceding paragraph (1)—
 - (A) by striking “, oyster,”; and
 - (B) by striking “public and private oyster reefs or”;
- (3) in paragraph (3), by adding “and” at the end;
- (4) by striking paragraph (4); and
- (5) by redesignating paragraph (5) as paragraph (4).

SEC. 2106. Funds made available for the wildlife habitat incentive program established under section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) under section 211(b) of the Agricultural Risk Protection Act of 2000 (Public Law 106-224; 7 U.S.C. 1421 note) and section 820 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387; 114 Stat. 1549A-59) shall remain available until expended to carry out obligations made for fiscal year 2001 and are not available for new obligations.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for “Military Personnel, Army”, \$2,125,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, NAVY

For an additional amount for “Military Personnel, Navy”, \$22,002,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for “Military Personnel, Marine Corps”, \$3,992,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for “Military Personnel, Air Force”, \$21,610,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

quirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, ARMY

For an additional amount for “Reserve Personnel, Army”, \$4,071,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, NAVY

For an additional amount for “Reserve Personnel, Navy”, \$10,200,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for “Reserve Personnel, Marine Corps”, \$2,176,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for “Reserve Personnel, Air Force”, \$94,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for “National Guard Personnel, Army”, \$1,304,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for “National Guard Personnel, Air Force”, \$1,408,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

For an additional amount for “Operation and Maintenance, Navy”, \$29,913,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$37,359,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005

season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$12,755,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$1,277,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$42,307,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$700,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$9,136,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$579,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$899,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SHIPBUILDING AND CONVERSION, NAVY (INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Shipbuilding and Conversion, Navy", \$775,236,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, which shall be available for transfer within this account to replace destroyed or damaged equipment; prepare and recover naval vessels under contract; and provide for cost adjustments for naval vessels for which funds have been previously appropriated: Provided, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers within this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$85,040,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$13,000,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$2,797,000, to remain available until September 30, 2008, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$12,000,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force",

\$6,250,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$730,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$1,222,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", \$10,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

For an additional amount for "General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense", \$10,530,000, to remain available until September 30, 2010, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$33,881,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", \$326,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 2201. Upon his determination that such action is necessary to ensure the appropriate allocation of funds provided to the Department of Defense in this chapter and in chapter 2, title I of this Act, the Secretary of Defense may transfer up to \$150,000,000 between appropriations made available for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and revolving and management funds: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to this authority: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 2202. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal year 2005 and 2006 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 2203. Notwithstanding any other provision of law, of the amounts appropriated or otherwise made available under the heading "Shipbuilding and Conversion, Navy" in chapter 2 of title II of this Act, or under said heading in chapter 2 of title I of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (division B of Public Law 109-148; 119 Stat. 2757), not less than \$140,000,000 shall be made available for infrastructure improvements at Gulf Coast shipyards that have existing Navy shipbuilding contracts and that were damaged by Hurricane Katrina in calendar year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

INVESTIGATIONS

For an additional amount for "Investigations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,300,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, utilizing \$3,300,000 of the funds provided herein shall develop a comprehensive plan, at full Federal expense, to deauthorize deep draft navigation on the Mississippi River-Gulf Outlet, Louisiana, extending from the Gulf of Mexico to the Gulf Intracoastal Waterway: Provided further, That, not later than 6 months after the date of enactment of this Act, the Secretary shall submit an interim report to Congress comprising the plan: Provided further, That the Secretary shall refine the plan, if necessary, to be fully consistent, integrated, and included in the final report to be issued in December 2007 for the Louisiana Coastal Protection and Restoration Plan: Provided further, the Secretary shall provide to the Congress a report, by not later than 90 days after the date of enactment of this Act, describing, for the period beginning on the date on which the individual system components for hurricane and storm damage reduction were constructed and ending on the date on which the report is prepared, the difference between the vertical settlement of the system that is attributable to the settling of levees and floodwalls or subsidence versus the vertical grade deficiencies that are attributable to new storm data that may require a higher level of vertical protection in order to comply with 100-year floodplain certification and standard project hurricane.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$549,400,000, to remain available until expended, of which up to \$20,200,000 may be used to reduce the risk of storm damage to the greater New Orleans metropolitan area, at full Federal expense, by restoring the surrounding wetlands through measures to begin to reverse wetland losses in areas affected by navigation, oil and gas, and other channels and through modification of the Caernarvon Freshwater Diversion structure or its operations; at least \$495,300,000 shall be used consistent with the cost-sharing provisions under which the projects were originally constructed to raise levee heights where necessary and otherwise enhance the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project to provide the levels of protection necessary to achieve the certification required for participation in the National Flood Insurance Program under the base flood elevations current at the time of this construction: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That \$1,500,000 shall be for the North Padre Island, Texas project: Provided further, That \$30,400,000 is available for flood control work in the Sacramento, California, Area: Provided further, That \$2,000,000 shall be provided at full Federal expense for the Hawaii Water Systems Technical Assistance Program.

OPERATIONS AND MAINTENANCE

For an additional amount for "Operations and Maintenance" to dredge navigation channels and repair other Corps projects related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$3,200,000 to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006: Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is directed to use funds appropriated herein for dredging needs along the Texas Gulf Coast.

FLOOD CONTROL AND COASTAL EMERGENCIES

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricane Katrina and other hurricanes, \$3,145,024,000, to remain available until expended: Provided, That the Secretary of the Army is directed to use the funds appropriated under this heading to modify, at full Federal expense, authorized projects in southeast Louisiana to provide hurricane and storm damage reduction and flood damage reduction in the greater New Orleans and surrounding areas; \$530,000,000 shall be used to modify the 17th Street, Orleans Avenue, and London Avenue drainage canals and install pumps and closure structures at or near the lakefront; \$250,000,000 shall be used for storm-proofing interior pump stations to ensure the operability of the stations during hurricanes, storms, and high water events; \$170,000,000 shall be used for armoring critical elements of the New Orleans hurricane and storm damage reduction system; \$350,000,000 shall be used to improve protection at the Inner Harbor Navigation Canal; \$215,000,000 shall be used to replace or modify certain non-Federal levees in Plaquemines Parish to incorporate the levees into the existing New Orleans to Venice hurricane protection project; \$1,584,000,000 shall be used for reinforcing or replacing flood walls, as necessary, in the existing Lake Pontchartrain and Vicinity

project and the existing West Bank and Vicinity project to improve the performance of the systems; \$30,024,000 for repairs, replacements, modifications and improvements of non-Federal levees and associated protection measures in Terrebonne Parish at full Federal expense: Provided further, That \$16,000,000 is provided for the restoration of funds for hurricane-damaged projects in the State of Pennsylvania: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Of the funds provided under this heading in chapter 3 of division B of Public Law 109-148, \$15,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", \$9,000,000, to remain available until expended for Drought Emergency Assistance: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. USE OF UNEXPENDED FUNDS. (a) IN GENERAL.—Notwithstanding any other provision of law, amounts made available to the State of Oklahoma or agencies or authorities therein (referred to in this section as the "State") before the date of enactment of this Act for general remediation activities being conducted in the vicinity of the Tar Creek Superfund Site in northeastern Oklahoma and in Ottawa County, Oklahoma, that remain unexpended as of the date of enactment of this Act are authorized to be used by the State to assist individuals and entities in relocation from areas at risk or potential risk of damage caused by land subsidence as determined by the State.

(b) USE OF UNEXPENDED FUNDS.—The use of unexpended funds in accordance with subsection (a)—

(1) shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

(2) may include any general remediation activities described in section (a) determined to be appropriate by the State, including the buyout of 1 or more properties to facilitate a relocation described in subsection (a).

SEC. 2302. (a) The \$12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109-148 (119 Stat. 2761) for the Louisiana hurricane protection study shall be at full Federal expense.

(b) Of the \$12,000,000 provided in division B, chapter 3 of title I, Investigations, of Public Law 109-148 (119 Stat. 2761) for the Louisiana hurricane protection study, \$5,000,000 shall be available for expenditure prior to the effective date of the enactment of a State law establishing a single State or quasi-State entity to act as local sponsor for construction, operation and maintenance of all of the hurricane, storm damage reduction and flood control projects in the greater New Orleans and southeast Louisiana area.

SEC. 2303. Chapter 3, under division B of title I of Public Law 109-148 (119 Stat. 2762) under

the heading "Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee" is modified by inserting the following before the period: "Provided further, That the Corps is directed to expedite and accelerate completion of any study or any unconstructed portion of the Mississippi River and Tributaries project for the flood and storm damage reduction projects in the south Louisiana area": Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2304. Chapter 3, under division B of title I of Public Law 109-148 (119 Stat. 2762) under the heading "Operations and Maintenance" is modified by inserting the following before the last proviso: "Provided further, That \$75,000,000 of the funds provided herein shall be used for the repair, construction or provision of measures or structures necessary to protect, restore or increase wetlands, to prevent saltwater intrusion or storm surge": Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2305. Section 227 of Public Law 104-303 is modified as follows:

(1) Section 5(a) is amended by striking "6", and inserting "7" in lieu thereof.

(2) Section 5(e)(2) is amended by striking "\$21,000,000", and inserting "\$25,000,000" in lieu thereof.

SEC. 2306. (a) Section 104(c) of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2214(c)) is amended by striking "September 30, 2005" and inserting "September 30, 2010" in lieu thereof.

(b) Section 301 of the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2241) is amended by striking "fiscal years 1992, 1993, 1994, 1995, 1996, 1999, 2000, 2001, 2002, 2003, and 2004" and inserting "the period of fiscal years 2006 through 2010" in lieu thereof.

SEC. 2307. None of the funds made available before, on, or after the date of enactment of this Act in an appropriations Act may be expended to prevent or limit any reprogramming of funds for a project to be carried out by the Corps of Engineers using funds appropriated in any Act making appropriations for energy and water development, based on whether the project was included by the President in the budget transmitted under section 1105(a) of title 31, United States Code, or is otherwise proposed by the President or considered part of the budget by the Office of Management and Budget, if the project received funds in an Act making appropriations for energy and water development or any other appropriations Act making additional funds available for energy and water development.

SEC. 2308. None of the funds made available under this or any other Act shall be used during fiscal year 2006 or previous to April 1, 2007, to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on February 6, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

SEC. 2309. Section 1202 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (110 Stat. 4085, 4091; 16 U.S.C. 4722(i)(3)(C)), is amended by deleting "to carry

out this paragraph, \$750,000", and inserting the following in lieu thereof: "such sums as are necessary to carry out the dispersal barrier demonstration project directed by this paragraph".

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$12,900,000: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$4,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operating Expenses" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$88,970,000, to remain available until September 30, 2007, of which up to \$267,000 may be transferred to "Environmental Compliance and Restoration" to be used for environmental cleanup and restoration of Coast Guard facilities in the Gulf of Mexico region; and of which up to \$470,000 may be transferred to "Research, Development, Test, and Evaluation" to be used for salvage and repair of research and development equipment and facilities: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for "Acquisition, Construction, and Improvements" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$191,730,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$71,800,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

For an additional amount for "Preparedness, Mitigation, Response, and Recovery" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$6,000,000,000, to remain available until expended: Provided, That for States in which the President declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) on September 24, 2005, as a result of Hurricane Rita, each county or parish eligible for individual and public assistance under such declaration in such States will be treated equally for purposes of cost-share adjustments under such Act, to account for the impact in those counties and parishes of Hurricanes Rita and Katrina: Provided further, That the Secretary of Homeland Security shall submit for approval a proposal and an expenditure plan for housing, including the alternative housing pilot programs under section 2403 of this Act, to the Committees on Appropriations of the Senate and House of Representatives within forty-five days from the date of enactment of this Act: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For an additional amount for "Disaster Assistance Direct Loan Program Account" for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184), \$279,800,000, to be used to assist local governments affected by Hurricane Katrina and other hurricanes of the 2005 season in providing essential services, of which \$1,000,000 is for administrative expenses to carry out the direct loan program: Provided, That such funds may be made to subsidize gross obligations for the principal amount of direct loans not to exceed \$371,733,000: Provided further, That notwithstanding section 417(b) of such Act, the amount of any such loan issued pursuant to this section may exceed \$5,000,000, and may be equal to not more than 50 percent of the annual operating budget of the local government in any case in which that local government has suffered a loss of 25 percent or more in tax revenues due to Hurricane Katrina or Hurricane Rita: Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a): Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. The Federal Emergency Management Agency may provide funds to a State or local government or, as necessary, assume an existing agreement from such unit of government, to pay for utility costs resulting from the provision of temporary housing units to evacuees from Hurricane Katrina and other hurricanes of the 2005 season if the State or local

government has previously arranged to pay for such utilities on behalf of the evacuees for the term of any leases, not to exceed 12 months, contracted by or prior to February 7, 2006: Provided, That the Federal share of the costs eligible to be paid shall be 100 percent.

SEC. 2402. (a) Title III of Public Law 109-90 (119 Stat. 2079) is amended under the heading "National Flood Insurance Fund" by striking in the proviso "\$30,000,000" and inserting "such sums as necessary".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2403. Notwithstanding any other provision of law, the Secretary of Homeland Security shall consider eligible under the Federal Emergency Management Agency Individual Assistance Program the costs sufficient for alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to projects from which funds were transferred for such purposes, \$132,400,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

NATIONAL PARK SERVICE HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$43,000,000, to remain available until September 30, 2007: Provided, That of the funds provided under this heading, \$40,000,000 shall be provided to State Historic Preservation Officers, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana, Mississippi, and Alabama impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That preference shall be given to grants based upon, but not limited to, properties located within National Heritage Areas, owner-occupied houses, and an ability to spend the funds expeditiously: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$55,400,000, to remain available until expended: Provided, That the amount provided under this heading is des-

ignated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Surveys, Investigations, and Research" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$10,200,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Royalty and Offshore Minerals Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes, \$15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For an additional amount for "Environmental Programs and Management" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For an additional amount for the "Leaking Underground Storage Tank Program" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$7,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF AGRICULTURE FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for the "National Forest System" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$20,000,000, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 6 DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

For an additional amount for "Training and Employment Services", \$16,000,000, to remain available until expended, for necessary expenses related to the consequences of Hurricane

Katrina and other hurricanes of the 2005 season, for construction, rehabilitation, and acquisition of Job Corps centers as authorized by the Workforce Investment Act of 1998: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Community Health Centers", \$4,000,000, to remain available until expended, to purchase and operate communications equipment including satellite phones for a communications network among departments of health, community health centers and major medical centers in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

For an additional amount for "Disease Control, Research, and Training", \$8,000,000, to remain available until expended, for mosquito and other pest abatement activities in States affected by Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF EDUCATION HURRICANE EDUCATION RECOVERY

For an additional amount under the heading "Department of Education" in Public Law 109-148 for carrying out section 107 of title IV, division B of that Act, \$235,000,000, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, \$50,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS,
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the Corporation for National and Community Service (the "Corporation") for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$10,000,000, to remain available until September 30, 2007: Provided, That the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the National and Community Service Act of 1990 (the "Act") (42 U.S.C. 12611 et seq.): Provided further, That the Corporation may transfer funds from the amount provided under the first proviso to the National Service Trust authorized under subtitle D of title I of the Act (42 U.S.C. 12601) upon determination that such transfer is necessary to support the activities of Civilian Community Corps participants and after notice is transmitted to Congress: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) In this section:

(1) The term "affected institution" means an institution of higher education that is—

(A) a part B institution, as such term is defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061);

(B) located in an area affected by a Gulf hurricane disaster; and

(C) able to demonstrate that the institution—

(i) incurred physical damage resulting from the impact of Hurricane Katrina or Rita;

(ii) has pursued collateral source compensation from insurance, the Federal Emergency Management Agency, or the Small Business Administration, (as appropriate); and

(iii) has not been able to fully reopen in existing facilities or fully reopen to the levels that existed before the impact of such hurricane due to physical damage to the institution.

(2) The terms "area affected by a Gulf hurricane disaster" and "Gulf hurricane disaster" have the meanings given such terms in section 209 of the Higher Education Hurricane Relief Act of 2005 (Public Law 109-148, 119 Stat. 2809).

(b) Notwithstanding any other provision of law (unless enacted with specific reference to this section), the Secretary of Education is authorized to waive or modify, as the Secretary determines is necessary, any statutory or regulatory provision related to historically Black college and university capital financing under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), in connection with a Gulf hurricane disaster, to ensure that—

(1) the calculation of financing need under section 343 of such Act (20 U.S.C. 1066b) for an affected institution is modified to reflect any changes in the financial condition of the institution as a result of the Gulf hurricane disaster; and

(2) an affected institution that was not receiving assistance under such part before the Gulf hurricane disaster is eligible to apply for capital financing to assist in institutional recovery from the Gulf hurricane disaster.

(c)(1) Notwithstanding section 343(b)(1) or any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1066b(b)(1), 1051 et seq.), in carrying out section 343 of such Act, a designated bonding authority shall withhold not more than 1 percent for the cost of issuance from the proceeds of qualified bonds that are loaned to an affected institution.

(2) Notwithstanding section 343(b)(3) or any other provision of title III of the Higher Edu-

cation Act of 1965 (20 U.S.C. 1066b(b)(3), 1051 et seq.), the Secretary shall pay any interest above 1 percent charged for a loan issued under part D of title III of such Act, after the date of enactment of this Act and with respect to an affected institution, such that the affected institution pays interest at a rate no higher than 1 percent.

(3) Notwithstanding any other provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), the requirements of section 343(b)(8) and 343(c)(2) of such Act (20 U.S.C. 1066b(b)(8)) shall not apply with respect to an affected institution receiving a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.).

(d) Notwithstanding any provision of title III of the Higher Education Act of 1965 (20 U.S.C. 1051 et seq.), or any regulation promulgated under such title, the Secretary of Education shall grant a deferment, for a period of not more than 3 years, to an affected institution that has received a loan under part D of title III of such Act (20 U.S.C. 1066 et seq.). During the deferment period granted under this subsection, the affected institution shall not be required to pay any periodic installment of principal required under the loan agreement for such loan, and interest on such loan shall not accrue for the period of the deferment. During the deferment period, the Secretary shall make principal and interest payments otherwise due under the loan agreement. At the closing of the loan, terms shall be set under which the affected institution shall be required to repay the Secretary for the payments of principal made by the Secretary during the deferment, on a schedule that begins upon repayment to the lender in full on the loan agreement.

(e)(1) Except as provided in paragraph (2), the authority provided under this section to enter into, or modify or waive the terms of, a loan agreement or insurance agreement under part D of title III of the Higher Education Act of 1965 (20 U.S.C. 1066 et seq.), or to grant a loan deferment under subsection (d), shall terminate 1 year after the date of enactment of this Act.

(2) Any provision of a loan agreement or insurance agreement modified or waived by the authority under this section shall remain so modified or waived for the duration of the period covered by the loan agreement or insurance agreement.

(f) The amount provided in this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2602. Notwithstanding sections 107(f) and 110 of title IV (commonly known as the "Hurricane Education Recovery Act") of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148; 119 Stat. 2680), the Secretary of Education may extend the period during which a State educational agency or local educational agency may obligate funds received under section 107 of that title to a date no later than September 30, 2006, except that such funds shall be used only for expenses incurred during the 2005-2006 school year, as required by section 107 of that title.

SEC. 2603. Funds available to the Mississippi Institutes of Higher Learning under the heading "Department of Education" in Public Law 109-148 may be used to support activities authorized by part B of title VII of the Higher Education Act of 1965, as determined necessary by the Mississippi Institutes of Higher Learning: Provided, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(TRANSFER OF FUNDS)

SEC. 2604. Of the funds made available under the heading "Disaster Relief" under the head-

ing "Federal Emergency Management Agency" in chapter 4 of this title, \$38,000,000 is hereby transferred to the Social Security Administration for necessary expenses and direct or indirect losses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season: Provided, That the amount transferred by this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$4,770,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$97,300,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, ARMY NATIONAL
GUARD

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Army National Guard", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$330,071,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the amount provided under this heading in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2770), \$120,000,000 are rescinded: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For an additional amount for "Military Construction, Air National Guard", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$5,800,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

MILITARY CONSTRUCTION, NAVY RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Navy Reserve", for necessary expenses related to the consequences of Hurricane

Katrina and other hurricanes of the 2005 season, \$24,270,000, to remain available until September 30, 2010: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That the amount provided under the heading "Military Construction, Naval Reserve" in chapter 7 of title I of division B of Public Law 109-148 (119 Stat. 2771) shall remain available until September 30, 2010, except that, of such amount \$49,530,000 are rescinded: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, Major Projects", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$585,919,000, to remain available until expended: Provided, That \$35,919,000 shall be available for environmental cleanup and removal of debris from the Department of Veterans Affairs land in Gulfport, Mississippi, and for any authorized purpose under this heading: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCY

ARMED FORCES RETIREMENT HOME

MAJOR CONSTRUCTION

For an additional amount for "Major Construction", for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$176,000,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, such funds shall be obligated and expended for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. The limitation of Federal contribution established under section 18236(b) of title 10 is hereby waived for projects appropriated in this chapter.

(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

SEC. 2702. (a) Of the amounts made available in chapter 7 of title I of division B of Public Law 109-148, Department of Veterans Affairs, "Medical Services", \$198,265,000 are hereby rescinded.

(b) For an additional amount for Department of Veterans Affairs, "Medical Services", \$198,265,000, to remain available until September 30, 2007, for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

(c) The funds made available in subsection (b) may be transferred to the Department of Veterans Affairs, "Medical Services", "Medical Administration", "Medical Facilities", "Construction, Minor Projects", and "Information Technology Systems" accounts as required.

(d) Not less than 15 days prior to making any such transfer as authorized under subsection (c), the Department shall notify the Committees on Appropriations of both Houses of Congress.

(e) This section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 2703. Notwithstanding any other provision of law, within six months of enactment of

this Act, the Secretary of Veterans Affairs is authorized and directed to clean up and transfer all land parcels of the Department's land in Gulfport, Mississippi, to the city of Gulfport, Mississippi.

(TRANSFER OF FUNDS)

SEC. 2704. The following unobligated balances shall be transferred to the Armed Forces Retirement Home "Major Construction" account, to remain available until expended, for the planning and design and construction of a new Armed Forces Retirement Home in Gulfport, Mississippi, from amounts appropriated under the heading "Armed Forces Retirement Home" in chapter 7 of division B of Public Law 109-148 (119 Stat. 2769), \$45,000,000 provided for Armed Forces Retirement Home—Gulfport; and unobligated balances of funds provided in fiscal years 1998 through 2004 for construction and renovation of the physical plants at the United States Naval Home/Armed Forces Retirement Home—Gulfport: Provided, That the General Services Administration, in consultation with the Naval Facilities Engineering Command and the management of the Armed Forces Retirement Home, shall be the agent for all matters with regard to the planning, design, construction, and contract administration related to the construction of the new Armed Forces Retirement Home in Gulfport, Mississippi: Provided further, That the amounts provided or otherwise made available under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 8

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$6,500,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$118,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$32,000,000, to remain available until ex-

ended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

For an additional amount for "Exploration Capabilities" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$35,000,000 shall be for the Stennis Space Center and Michoud Assembly Facility, to remain available until expended: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Disaster Loans Program Account" for the cost of direct loans authorized by section 7(b) of the Small Business Act, \$542,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That up to \$190,000,000 may be transferred to and merged with "Salaries and Expenses" for administrative expenses to carry out the disaster loan program: Provided further, That none of the funds provided under this heading may be used for indirect administrative expenses: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

For an additional amount for the "Emergency Relief Program" as authorized under 23 U.S.C. 125, \$702,362,500, to remain available until expended, for expenses identified under "Formal Requests" in the Federal Highway Administration table entitled "Emergency Relief Program Fund Request—updated 06/06/06" with the exception of such expenses addressed in other provisions of this Act making amendments to Public Law 109-148 and expenses otherwise funded in other Appropriations Acts: Provided, That notwithstanding 23 U.S.C. 125(d)(1), the Secretary of Transportation may obligate more than \$100,000,000 for such projects in a State in a fiscal year, to respond to damage caused by Hurricane Dennis and the 2004-2005 winter storms in the State of California: Provided further, That any amounts in excess of those necessary for emergency expenses relating to the eligible projects cited in the first sentence of this paragraph may be used for other projects authorized under 23 U.S.C. 125: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$702,362,500 are rescinded: Provided, That such rescission shall not apply to

the funds distributed in accordance with 23 U.S.C. 130(f), 23 U.S.C. 133(d)(1) as in effect prior to the date of enactment of Public Law 109-59, the first sentence of 23 U.S.C. 133(d)(3)(A), 23 U.S.C. 104(b)(5), or 23 U.S.C. 163 as in effect prior to the enactment of Public Law 109-59.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Community development fund", for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in the most impacted and distressed areas related to the consequences of Hurricanes Katrina, Rita, or Wilma in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$5,200,000,000, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (Public Law 93-383): Provided, That funds provided under this heading shall be administered through an entity or entities designated by the Governor of each State: Provided further, That such funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency or the Army Corps of Engineers: Provided further, That funds allocated under this heading shall not adversely affect the amount of any formula assistance received by a State under this heading: Provided further, That each State may use up to five percent of its allocation for administrative costs: Provided further, That not less than \$1,000,000,000 from funds made available on a pro-rata basis according to the allocation made to each State under this heading shall be used for repair, rehabilitation, and reconstruction (including demolition, site clearance and remediation) of the affordable rental housing stock (including public and other HUD-assisted housing) in the impacted areas: Provided further, That no State shall receive more than \$4,200,000,000: Provided further, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by the State that such waiver is required to facilitate the use of such funds or guarantees, and a finding by the Secretary that such waiver would not be inconsistent with the overall purpose of the statute: Provided further, That the Secretary may waive the requirement that activities benefit persons of low and moderate income, except that at least 50 percent of the funds made available under this heading must benefit primarily persons of low and moderate income unless the Secretary otherwise makes a finding of compelling need: Provided further, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver: Provided further, That every waiver made by the Secretary must be reconsidered according to the three previous provisions on the two-year anniversary of the day the Secretary published the waiver in the Federal Register: Provided further, That prior to the obligation of funds each State shall submit a plan to the Secretary detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: Pro-

vided further, That prior to the obligation of funds to each State, the Secretary shall ensure that such plan gives priority to infrastructure development and rehabilitation and the rehabilitation and reconstruction of the affordable rental housing stock including public and other HUD-assisted housing: Provided further, That each State will report quarterly to the Committees on Appropriations on all awards and uses of funds made available under this heading, including specifically identifying all awards of sole-source contracts and the rationale for making the award on a sole-source basis: Provided further, That the Secretary shall notify the Committees on Appropriations on any proposed allocation of any funds and any related waivers made pursuant to these provisions under this heading no later than 5 days before such waiver is made: Provided further, That the Secretary shall establish procedures to prevent recipients from receiving any duplication of benefits and report quarterly to the Committees on Appropriations with regard to all steps taken to prevent fraud and abuse of funds made available under this heading including duplication of benefits: Provided further, That of the amounts made available under this heading, \$12,000,000 shall be transferred to "Management and Administration, Salaries and Expenses", of which \$7,000,000 is for the administrative costs, including IT costs, of the KDHP/DVP voucher program; \$9,000,000 shall be transferred to the Office of Inspector General; and \$6,000,000 shall be transferred to HUD's Working Capital Fund: Provided further, That none of the funds provided under this heading may be used by a State or locality as a matching requirement, share, or contribution for any other Federal program: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

INDEPENDENT AGENCY

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

For an additional amount for the "Federal Buildings Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, \$37,000,000, from the General Fund and to remain available until expended: Provided, That notwithstanding 40 U.S.C. 3307, the Administrator of General Services is authorized to proceed with repairs and alterations for affected buildings: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE III—EMERGENCY AGRICULTURAL DISASTER ASSISTANCE

SEC. 3001. SHORT TITLE.

This title may be cited as the "Emergency Agricultural Disaster Assistance Act of 2006".

SEC. 3002. DEFINITIONS.

In this title:

(1) **HURRICANE-AFFECTED COUNTY.**—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Ophelia, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(2) **NATURAL DISASTER DECLARATION.**—The term "natural disaster declaration" means—

(A) a natural disaster declared by the Secretary—

(i) during calendar year 2005 under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)); or

(ii) during calendar year 2006 under that section, but for which a request was pending as of December 31, 2005; or

(B) a major disaster or emergency designated by the President—

(i) during calendar year 2005 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

(ii) during calendar year 2006 under that Act, but for which a request was pending as of December 31, 2005.

(3) **SECRETARY.**—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Crop and Livestock Assistance

SEC. 3011. SUGAR AND SUGARCANE DISASTER ASSISTANCE.

(a) **FLORIDA.**—The Secretary of Agriculture shall use \$40,000,000 of funds of the Commodity Credit Corporation to make payments to processors in Florida that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)) to compensate first processors and producers for crop and other losses in hurricane-affected counties that are related to hurricanes, tropical storms, excessive rains, floods, and wind in Florida during calendar year 2005, by an agreement on the same terms and conditions, to the maximum extent practicable, as the payments made under section 102 of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act of 2005 (Public Law 108-324; 118 Stat. 1235), including that the 2005 base production of each harvesting unit shall be determined using the same base year crop production history that was used pursuant to the agreement under that section.

(b) **LOUISIANA.**—

(1) **COMPENSATION FOR LOSSES.**—The Secretary shall use \$40,000,000 of the funds of the Commodity Credit Corporation to make assistance available to first processors of sugarcane that operate in a hurricane-affected county, or obtain sugarcane from a hurricane-affected county, and that are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)), in the form of monetary payments or commodities in the inventory of the Commodity Credit Corporation derived from carrying out that section, to compensate producers and first processors for crop and other losses due to Hurricane Katrina, Hurricane Rita, or related conditions.

(2) **ADMINISTRATION.**—Assistance under this subsection shall be—

(A) shared by an affected first processor with affected producers that provide commodities to the processor in a manner that reflects contracts entered into between the processor and the producers, except with respect to a portion of the amount of total assistance provided under paragraph (1) necessary to compensate affected producers for individual losses experienced by the producers, including losses due to saltwater intrusion, flooding, wind damage, or increased planting, replanting, or harvesting costs, which shall be transferred by the first processor to the affected producers without regard to contractual share arrangements; and

(B) made available under such terms and conditions as the Secretary determines are necessary to carry out this subsection.

(3) **FORM OF ASSISTANCE.**—In carrying out this subsection, the Secretary shall—

(A) convey to the first processor commodities in the inventory of the Commodity Credit Corporation derived from carrying out section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a));

(B) make monetary payments to the first processor; or

(C) take any combination of actions described in paragraphs (1) and (2), using commodities or monetary payments.

(4) **LOSS DETERMINATION.**—In carrying out this subsection, the Secretary shall use the same base year to determine crop loss that was elected by a producer to determine crop loss in carrying out the hurricane assistance program under section 207 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 543).

(5) **LIMITATION.**—The Secretary shall provide assistance under this subsection only in a State described in section 359f(c)(1)(A) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)(1)(A)).

(c) **TEXAS.**—The Secretary shall use \$400,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Texas by making a payment in that amount to a farmer-owned cooperative sugarcane processor in that State, for costs of demurrage, storage, and transportation resulting from hurricanes, excessive rains, floods, wind, and other related conditions during calendar year 2005.

SEC. 3012. LIVESTOCK ASSISTANCE.

(a) **LIVESTOCK COMPENSATION PROGRAM.**—

(1) **USE OF COMMODITY CREDIT CORPORATION FUNDS.**—Effective beginning on the date of enactment of this Act, the Secretary shall use \$95,000,000 of funds of the Commodity Credit Corporation to provide assistance under the same terms and conditions as assistance provided under section 203 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 539).

(2) **ELIGIBLE APPLICANTS.**—Subject to subsection (d), in providing assistance under paragraph (1), the Secretary shall provide assistance to any applicant that—

(A) produces poultry, swine, sheep, beef, equine, buffalo, beefalo, dairy, goats, or an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) conducts an agricultural operation that is physically located in a hurricane-affected county; and

(C) meets all other eligibility requirements established by the Secretary.

(b) **LIVESTOCK INDEMNITY PROGRAM.**—

(1) **IN GENERAL.**—Effective beginning on the date of enactment of this Act, the Secretary shall use \$30,000,000 of funds of the Commodity Credit Corporation to carry out a program under the same terms and conditions as the Livestock Indemnity Program authorized under title III of Public Law 105-18 (111 Stat. 170).

(2) **ELIGIBLE APPLICANTS.**—Subject to subsection (d), in carrying out the Program, the Secretary shall provide assistance to any applicant that—

(A) produces poultry, swine, sheep, eggs, beef, equine, buffalo, beefalo, dairy, goats, crawfish, or an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) conducts an agricultural operation that is physically located in a hurricane-affected county; and

(C) meets all other eligibility requirements established by the Secretary for the Program.

(c) **LIVESTOCK INDEMNITY PROGRAM FOR CONTRACT GROWERS.**—

(1) **IN GENERAL.**—Subject to subsection (d), the Secretary shall use funds of the Commodity Credit Corporation to establish a program to assist poultry and egg producers in hurricane-affected counties that suffered income losses.

(2) **TERMS AND CONDITIONS.**—The program established under paragraph (1) shall contain similar terms and conditions as the terms and conditions used for the livestock indemnity program for contract growers described in subpart E of chapter XIV of title 7, Code of Federal Regulations (as in effect on January 1, 2002).

(d) **LIMIT ON AMOUNT OF ASSISTANCE.**—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3013. SPECIALTY CROPS AND NURSERY CROPS.

(a) **IN GENERAL.**—The Secretary shall use \$95,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers of specialty crops and nursery crops in hurricane-affected counties.

(b) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Assistance required by subsection (a) shall be carried out by the Secretary under the same terms and conditions as the special disaster relief programs carried out for producers that suffered from crop damage and tree losses, and carried out related cleanup, in certain areas of Florida due to Hurricanes Charley, Frances, and Jeanne during August and September 2004, as described in the notice of program implementation relating to Florida citrus, fruit, vegetable, and nursery crop disaster programs (69 Fed. Reg. 63134 (October 29, 2004)), with vegetable losses treated as citrus losses for purposes of that program.

(2) **LOSS OF RECORDS.**—Due to the complete destruction of the business records of many producers, the Secretary shall use the best available information in determining eligibility, determining losses, and calculating payment amounts under this section.

(c) **LIMIT ON AMOUNT OF ASSISTANCE.**—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3014. DAIRY ASSISTANCE.

The Secretary shall use \$17,000,000 of the funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses and dairy spoilage losses in hurricane-affected counties.

SEC. 3015. COTTONSEED.

(a) **IN GENERAL.**—The Secretary shall use \$15,000,000 of the funds of the Commodity Credit Corporation to provide assistance to producers and first-handlers of the 2005 crop of cottonseed in hurricane-affected counties.

(b) **DISTRIBUTION OF FUNDS.**—The Secretary shall provide disaster assistance under subsection (a) under the same terms and conditions as assistance provided under section 206 of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 543), except that assistance shall be—

(1) distributed to producers and first handlers of cottonseed; and

(2) based on cottonseed production during the most recent year for which a disaster payment specifically for cottonseed was not authorized.

Subtitle B—Forestry

SEC. 3021. TREE ASSISTANCE PROGRAM.

(a) **DEFINITION OF TREE.**—In this section, the term “tree” includes a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree), bush (including a shrub), and vine.

(b) **PROGRAM.**—Except as otherwise provided in this section, the Secretary shall use such sums of funds of the Commodity Credit Corporation to provide assistance under the tree assistance program established under sections 10201 through 10203 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in hurricane-affected counties; and

(2) fruit and tree nut producers in hurricane-affected counties for site preparation, replacement, rehabilitation, and pruning.

(c) **COSTS.**—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) **LIMIT ON AMOUNT OF ASSISTANCE.**—The Secretary shall ensure, to the maximum extent practicable, that no producer on a farm receives duplicative payments under this section and any other Federal program for the same loss.

SEC. 3022. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.

Section 1231(k)(3)(G) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(3)(G)) is amended by striking “\$404,100,000” and inserting “\$504,100,000”.

SEC. 3023. When evaluating an offer to enroll private nonindustrial forest land into the emer-

gency forestry conservation reserve program, as authorized by section 1231(k) of the Food Security Act of 1985 (16 U.S.C. 3831(k)), the Secretary of Agriculture shall accord equal weight to, and not distinguish between, private nonindustrial forest lands comprised of softwood or hardwood trees for the purpose of determining whether the private nonindustrial forest land of the landowner satisfies criteria used to evaluate the offer, including, but not limited to, soil erosion prevention, water quality improvement, wildlife habitat restoration, and mitigation of economic loss.

Subtitle C—Miscellaneous

SEC. 3031. ADMINISTRATIVE COSTS.

The Secretary may use not more than \$9,600,000 of funds of the Commodity Credit Corporation to cover administrative costs incurred by the Farm Service Agency directly related to carrying out this title.

SEC. 3032. AQUACULTURE PRODUCER GRANTS.

Grants to assist aquaculture producers announced by the Secretary on May 10, 2006 (71 Fed. Reg. 27188; relating to 2005 section 32 hurricane disaster programs) shall be provided for industry recovery in a manner consistent with the announcement or under the same terms and conditions as assistance provided under section 203(a)(2)(B) of the Agricultural Assistance Act of 2003 (Public Law 108-7; 117 Stat. 540).

SEC. 3033. EMERGENCY DESIGNATION.

Amounts made available by the transfer of funds in or pursuant to this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 3034. REGULATIONS.

(a) **IN GENERAL.**—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) **PROCEDURE.**—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the “Paperwork Reduction Act”).

(c) **CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

TITLE IV

PANDEMIC FLU

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Public Health and Social Services Emergency Fund” to prepare for and respond to an influenza pandemic, including international activities and activities in foreign countries, preparedness planning, enhancing the pandemic influenza regulatory science base, accelerating pandemic influenza disease surveillance, developing registries to monitor influenza vaccine distribution and use, supporting pandemic influenza research, clinical trials and clinical trials infrastructure, and the development and purchase of vaccines, antivirals, and necessary medical supplies, \$2,300,000,000, to remain available until expended: Provided, That \$30,000,000 shall be transferred to and merged with funds appropriated under the heading “Child Survival and Health Programs Fund” in chapter 3 of title II of division B, of Public Law 109-148 for activities related to international surveillance, planning, preparedness, and response to the avian

influenza virus: Provided further, That \$250,000,000 shall be for upgrading State and local capacity, and at least \$200,000,000 shall be for the Centers for Disease Control and Prevention to carry out global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response and quarantine: Provided further, That products purchased with these funds may, at the discretion of the Secretary, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic influenza vaccines and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That the Secretary may negotiate a contract with a vendor under which a State may place an order with the vendor for antivirals; may reimburse a State for a portion of the price paid by the State pursuant to such an order; and may use amounts made available herein for such reimbursement: Provided further, That funds appropriated herein and not specifically designated under this heading may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence: Provided further, That the amounts provided under this heading are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE V
BORDER SECURITY
CHAPTER 1

DEPARTMENT OF DEFENSE
OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Defense-Wide", \$708,000,000 for emergency National Guard support to the Department of Homeland Security, including operating surveillance systems, analyzing intelligence, installing fences and vehicle barriers, building patrol roads, and providing training, to remain available until September 30, 2007: Provided, That the Secretary of Defense may transfer these funds to appropriations for military personnel, operation and maintenance, and procurement to be available for the same purposes as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation, to be merged with and made available for the same purposes and for the time period provided under this heading: Provided further, That the Secretary of Defense shall, not more than five days after making transfers from this appropriation, notify the congressional defense committees in writing of any such transfer.

CHAPTER 2
DEPARTMENT OF HOMELAND SECURITY
CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$410,000,000, to remain available until September 30, 2007: Provided, That the entire amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

AIR AND MARINE INTERDICTION, OPERATIONS,
MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", \$95,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CONSTRUCTION

For an additional amount for "Construction", \$300,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", \$327,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

PREPAREDNESS

OFFICE FOR DOMESTIC PREPAREDNESS

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", for discretionary grants as determined by the Secretary, \$15,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS,
AND RELATED EXPENSES

For an additional amount for "Acquisition, Construction, Improvements, and Related Expenses", \$25,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

For an additional amount for "Administrative Review and Appeals", \$9,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", \$9,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", \$2,000,000, to remain available until September 30, 2007: Provided, That the amount provided under this heading is designated as an emergency require-

ment pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE VI

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", \$27,600,000, to remain available until September 30, 2011: Provided, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE VII

GENERAL PROVISIONS AND TECHNICAL
CORRECTIONS

AVAILABILITY OF FUNDS

SEC. 7001. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 7002. Funds appropriated in this Act, or made available by the transfer of funds in or pursuant to this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 7003. Section 8044 of Public Law 109-148 (119 Stat. 2708) is amended as follows: After "Defense," and before "acting" insert, "notwithstanding any other provision of law,".

SEC. 7004. (a) Of the unobligated balances made available pursuant to section 504 of Public Law 108-334, \$20,000,000 are rescinded.

(b) For an additional amount for "United States Secret Service, Salaries and Expenses", \$20,000,000, to remain available until September 30, 2007.

SEC. 7005. (a) Of the funds available for "Screening Coordination and Operations", \$3,960,000 are rescinded.

(b) For an additional amount for the "Office of the Secretary and Executive Management", \$3,960,000.

SEC. 7006. Public Law 109-90 is amended by striking section 528.

SEC. 7007. Section 402(b) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1232(b)) is amended by striking "June 30, 2006" and inserting "September 30, 2007".

SEC. 7008. For an additional amount for "Department of Labor, Mine Safety and Health Administration, Salaries and Expenses", \$25,600,000 for the enforcement of mine safety law with respect to coal mines, including the training and equipping of inspectors: Provided, That progress reports on hiring shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House on a quarterly basis, with the first report due July 15, 2006: Provided further, That the amount provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7009. Unexpended balances for Health Resources and Services Administration grant number 7C6HF03601-01-00, appropriated in Public Law 106-554, shall remain available until September 30, 2009.

SEC. 7010. For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977, \$10,000,000 for research to develop mine safety technology: Provided, That progress reports on technology development shall be submitted to the House and Senate

Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and the Workforce of the House on a quarterly basis, with the first report due July 15, 2006: Provided further, That the amount provided under this heading shall remain available until September 30, 2007: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7011. Public Law 109-149 (119 Stat. 2876) under the heading "Railroad Retirement Board, Dual Benefits Payments Account" is amended by striking "to the amount by which the product of recipients and the average benefit received exceeds \$97,000,000" and inserting "to the amount by which the product of recipients and the average benefit received exceeds the amount available for payment of vested dual benefits" in lieu thereof.

SEC. 7012. Section 224 of Public Law 109-149 (119 Stat. 2862) is amended by striking "June" and inserting "December" in lieu thereof.

SEC. 7013. None of the funds appropriated in Public Law 109-149 or prior Acts under the heading "Employment and Training Administration" that are available for expenditure on or after the date of enactment of this section shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II, except as provided for under section 101 of Public Law 109-149. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients of such funds, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs.

SEC. 7014. Any national service educational award described in subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12601 et seq.), made with funds appropriated to, funds transferred to, or interest accumulated in the National Service Trust, shall hereafter be known as a "Segal AmeriCorps Education Award".

SEC. 7015. (a) REPEAL OF SINGLE HOLDER RULE.—Section 428C(b)(1)(A) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(1)(A)) is amended by striking "and (i)" and all that follows through "so selected for consolidation)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any loan made under section 428C of the Higher Education Act of 1965 (20 U.S.C. 1078-3) for which the application is received by an eligible lender on or after the date of enactment of this Act.

(c) CONSOLIDATION INTO DIRECT LENDING.—Section 428C(b)(5) of the Higher Education Act of 1965 (20 U.S.C. 1078-3(b)(5)) is amended by striking "DIRECT LOANS.—" and all that follows through "Such direct consolidation loan" and inserting the following: "DIRECT LOANS.—In the event that a borrower is unable to obtain a consolidation loan from a lender with an agreement under subsection (a)(1), or is unable to obtain a consolidation loan with income-sensitive repayment terms acceptable to the borrower from such a lender, the Secretary shall offer any such borrower who applies for it, a Federal Direct Consolidation loan. Such direct consolidation loan".

(d) REPEAL.—Section 8009(a) of the Higher Education Reconciliation Act of 2005 (Public Law 109-171, 120 Stat. 164) is amended by striking paragraph (2).

SEC. 7016. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking after "Augusta", "\$61,466,000" and inserting in lieu thereof "\$340,854,000". This project may be incrementally funded. Funds appropriated in Public Law 109-114 for this project shall be available to fund the first increment.

SEC. 7017. Section 2401 of the Military Construction Authorization Act for Fiscal Year 2006 (Public Law 109-163) is amended by striking after "Kunia", "\$305,000,000" and inserting in lieu thereof "\$350,490,000". The project may be incrementally funded. Funds appropriated in Public Laws 108-7, 108-87, and 109-114 for this project shall be available to fund the first increment.

SEC. 7018. Section 2403(b) of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109-163) is amended in paragraph (2) by striking "\$12,500,000" and inserting "\$291,888,000", and in paragraph (3) by striking "\$256,034,000" and inserting "\$301,524,000".

SEC. 7019. Section 2846 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1320), as amended by section 2865 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108-375; 118 Stat. 2149) is further amended by striking "840 acres" and inserting "1,540 acres".

SEC. 7020. Of the amount made available by the Department of Justice Appropriations Act, 2006 under the heading "Community Oriented Policing Services" (Public Law 109-108, 199 Stat. 2302), for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797 et seq.), \$1,500,000 shall be available to the Attorney General, without regard to such part BB, for the study on forensic science described in House Report 109-272 to accompany Public Law 109-108.

SEC. 7021. The referenced statement of the managers in House Report 109-272, Making Appropriations for Science, the Departments of State, Justice, and Commerce, and Related Agencies for the Fiscal Year Ending September 30, 2006, and for other purposes, under this heading is deemed to be amended with respect to amounts made available under the heading "Science, Aeronautics and Exploration" for the Mitchell Institute by striking "educational purposes" and inserting "the science and engineering education endowment".

SEC. 7022. Section 613 of the Science, State, Justice, Commerce, and Related Agencies Appropriations Act, 2006 (Public Law 109-108; 119 Stat. 2336) is amended—

(1) by inserting after "\$500,000 shall be available for the Iowa Department of Economic Development for the Entrepreneurial Venture Assistance Project" the following: "(including the ability to make subgrants or loans for such project)"; and

(2) by striking "Clark County Department of Aviation, Las Vegas," and inserting "University of Nevada Las Vegas,".

SEC. 7023. Under the heading "Department of Transportation, Federal Highway Administration, Emergency Relief Program" in Public Law 109-148 (119 Stat. 2778), strike "\$629,000,000" and insert "\$803,000,000".

SEC. 7024. Notwithstanding 49 U.S.C. 5336, any funds remaining available under Federal Transit Administration grant numbers NY-03-345-00, NY-03-0325-00, NY-03-0405, NY-90-X398-00, NY-90-X373-00, NY-90-X418-00, NY-90-X465-00 together with an amount not to exceed \$19,200,000 in urbanized area formula funds that were allocated by the New York Metropolitan Transportation Council to the New York City Department of Transportation as a designated recipient under 49 U.S.C. 5307 may be made available to the New York Metropolitan Transportation Authority for eligible capital projects authorized under 49 U.S.C. 5307 and 5309.

SEC. 7025. For recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricane Katrina, the Secretary may waive the Federal matching share requirements for Federal transit assistance programs under such chapter, including the Federal matching share requirements contained in existing Federal assistance grant agreements: Provided, That the Secretary may allow such recipients to use such assistance for operating assistance, notwithstanding the terms and conditions contained in existing Federal assistance grant agreements: Provided further, That the authority of the Secretary hereunder shall expire two years after the date of enactment of this section, unless determined otherwise by the Secretary for a compelling need.

SEC. 7026. The first sentence under the heading "Department of the Treasury, Departmental Offices, Salaries and Expenses" in title II of division A of Public Law 109-115 (119 Stat. 2432) is amended by inserting after "travel expenses" the words "(except for travel performed by officials in the Office of Terrorism and Financial Intelligence and the Office of International Affairs)".

SEC. 7027. (a) Funds appropriated for intelligence activities, or made available by the transfer of funds, by this Act, by Public Law 109-108 for the Department of Justice, or by Public Law 109-115 for the Department of the Treasury, are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947, as amended, (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for Fiscal Year 2006.

(b) Subsection (a) shall be effective:

(1) with respect to funds appropriated, or made available by the transfer of funds, by this Act, upon the enactment of this Act;

(2) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109-108 for the Department of Justice, as if enacted on the date of enactment of Public Law 109-108; and

(3) with respect to funds appropriated, or made available by the transfer of funds, by Public Law 109-115 for the Department of the Treasury, as if enacted on the date of enactment of Public Law 109-115.

SEC. 7028. (a) The matter under the heading "Tenant-Based Rental Assistance" in chapter 9 of title I of division B of Public Law 109-148 is amended—

(1) in the first proviso, by striking "or the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77)" and inserting "the McKinney-Vento Homeless Assistance Act, section 221(d)(3), 221(d)(5), or 236 of the National Housing Act, or section 101 of the Housing and Urban Development Act of 1965"; and

(2) in the second proviso, by inserting "except that paragraph (7)(A) of such section shall not apply" after "1937".

(b) The provisions of this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SEC. 7029. The Department of Housing and Urban Development Appropriations Act, 2006 (Public Law 109-115) is amended in designated paragraph (5) under the heading "Tenant-based Rental Assistance"—

(1) by striking "\$10,000,000" and inserting "\$25,000,000"; and

(2) by striking "\$1,240,000,000" and inserting "\$1,225,000,000".

SEC. 7030. (a) The second paragraph under the heading "Community Development Fund" in title III of division A of Public Law 109-115 is amended by striking "statement of managers accompanying this Act" and inserting "statement of managers correction for H.R. 3058 relating to the Economic Development Initiative submitted to the House of Representatives by the Chairman of the Committee on Appropriations of the

House on November 18, 2005, and printed in the House section of the Congressional Record on such date”.

(b) Section 5023 of title V of division B of Public Law 109-148 is amended by striking “in title III of Public Law 109-115 (as in effect pursuant to H. Con. Res. 308, 109th Congress)” and inserting “in title III of division A of Public Law 109-115”.

(c) Each amendment made by this section shall apply as if included in the amended public law on the date of its enactment.

SEC. 7031. The referenced statement of the managers under the heading “Community Development Fund” in title II, division G of Public Law 108-199 is deemed to be amended—

(1) with respect to item number 402, by striking “in Kansas City, Missouri” and inserting “in the Kansas City Metropolitan Statistical Area (MSA)”;

(2) with respect to item number 329 by striking “for purchase of the D.C. Metropolitan Police Boys and Girls Club facility” and inserting “for renovation of Boys and Girls Clubs of Greater Washington Clubhouse #2, Clubhouse #4, Clubhouse #10, Clubhouse #11, and Clubhouse #14 in the District of Columbia”;

(3) with respect to item number 188 by striking “the City of Macon for construction of the historic Coca-Cola building” and inserting “Wesleyan College in Macon, Georgia for facility renovation, build out, and construction”;

(4) with respect to item number 830 by striking “construction” and inserting “purchase, renovation, build out and upgrade”;

(5) with respect to item number 380 by striking “for construction of a new facility” and inserting “to upgrade an existing facility”;

(6) with respect to item number 348 by striking “land acquisition” and inserting “the construction and renovation of the Holyoke Community College Enrollment Center”;

(7) with respect to item number 602 by striking “to the J. Frank Troy Senior Center in Toledo, Ohio for renovation and construction” and inserting “, including \$100,000 to the Northwest Ohio Area Office on Aging for construction of the Jerusalem Township Senior Center and Food Pantry; and \$100,000 to Aurora Gonzales Resource Center, Toledo, Ohio, for renovation and build out of a facility”.

SEC. 7032. The referenced statement of the managers under the heading “Community Development Fund” in title II, division I of Public Law 108-447 is deemed to be amended—

(1) with respect to item number 838 by striking “City of Canby, Minnesota” and inserting “Western Five Community Development Corporation.”;

(2) with respect to item number 912 by striking “renovations to the Broadway Market” and inserting “the demolition and redevelopment of properties in the Broadway-Fillmore Corridor, Buffalo, New York”;

(3) with respect to item number 631 by striking “construction” and inserting “acquisition”;

(4) with respect to item number 536 by striking “an economic development planning study” and inserting “the Main Street Revitalization Project”;

(5) with respect to item number 444, by striking “City of St. Petersburg, Florida for facilities construction and renovation for the Mid-Pinellas Science Center” and inserting “St. Petersburg College, City of Seminole, Florida for the development of Science and Nature Park at St. Petersburg College”;

(6) with respect to item 260 by inserting after renovations “and for property renovation at 754 Broad Street for the Family Center emergency shelter for families and children”;

(7) with respect to item number 136, by striking “renovation of the Fire House in Brookhaven, Mississippi” and inserting “the restoration of the historic City Hall in Brookhaven, Mississippi”.

SEC. 7033. The statement of managers correction referenced in the second paragraph under

the heading “Community Development Fund” in title III, division A of Public Law 109-115 is deemed to be amended—

(1) with respect to item number 793 by striking “for street infrastructure and parking facility improvements” and inserting “to purchase and demolish blighted property, develop detailed design/construction drawings, and to begin site preparation for new infill housing lots”;

(2) with respect to item number 1114 by striking “West Virginia Technical College” and inserting “West Virginia University Institute of Technology Community and Technical College”;

(3) with respect to item number 849, by striking “Mahanoy City, Pennsylvania for improvements to West Market Street” and inserting “Mahanoy City, Pennsylvania for improvements to Centre Street”;

(4) with respect to item number 740 by striking “infrastructure improvements in Central Plaza Park” and inserting “the demolition and redevelopment of properties in the Broadway-Fillmore Corridor, Buffalo, New York”;

(5) with respect to item number 374 by striking “Day Care” and inserting “Senior Citizens”;

(6) with respect to item number 714, by striking “construction of a senior center;” and inserting “renovation and build out of a multipurpose center;”

(7) with respect to item number 850, by striking “City of Lancaster, Pennsylvania” and inserting “in Pennsylvania”;

(8) with respect to item number 925, by striking “Greenwood Partnership Alliance, South Carolina for the renovation of the Old Federal Courthouse” and inserting “City of Greenwood, South Carolina for the Emerald Triangle Project”; and

(9) with respect to item number 615 by inserting “and UND Technology Transfer and Commercialization Center” before the semicolon.

SEC. 7034. Notwithstanding any other provision of law, the Administrator of General Services may convey, without consideration ownership and jurisdiction (custody, accountability and control) to the City of Crosby, North Dakota real property as described: Lots 9, 10, 11, 12, 13, and 14, Eastlawn Addition to Crosby, Divide County, North Dakota.

SEC. 7035. 2007 DISCRETIONARY LIMITS. (a) IN GENERAL.—For the purposes of section 302(a) of the Congressional Budget Act of 1974, the allocations of the appropriate levels of budget totals for the Committee on Appropriations of the Senate for fiscal year 2007 shall be—

(1) \$872,778,000,000 in total new budget authority for general purposes discretionary; and

(2) \$577,241,000,000 in total new budget authority for mandatory;

until a concurrent resolution on the budget for fiscal year 2007 is agreed to by the Senate and the House of Representatives pursuant to section 301 of the Congressional Budget Act of 1974.

(b) ADJUSTMENTS AND LIMITS.—The limits and adjustments provided in section 402 of S. Con. Res. 83 (109th Congress), as passed the Senate, for fiscal year 2007 shall apply to subsection (a).

(c) APPLICATION.—The section 302(a) allocations in subsection (a) shall be deemed to be allocations set forth in the joint explanatory statement of managers accompanying the concurrent resolution on the budget for fiscal year 2007, as though adopted by Congress, for all purposes under titles III and IV of the Congressional Budget Act of 1974. Section 302(a)(4) of the Congressional Budget Act of 1974 shall not apply to this section.

(d) EXCEPTIONS.—The following provisions of H. Con. Res. 95 (109th Congress) shall not apply in the Senate—

(1) Section 404; and

(2) until January 3, 2007, section 403(b)(2).

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

This Act may be cited as the “Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006”.

And the Senate agree to the same.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKY,
NITA M. LOWEY,
JOHN W. OLVER,
CHET EDWARDS,

Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD

(except Deeming Resolution),

DANIEL K. INOUE,
TOM HARKIN

(except Deeming Resolution),

BARBARA A. MIKULSKI
(except Deeming Resolution),

HARRY REID
(except Deeming Resolution),

HERB KOHL
(except Agriculture Disaster and Deeming Resolution),

PATTY MURRAY
(except Deeming Resolution and Veterans Funding)

BYRON L. DORGAN
(except Agriculture Disaster),

DIANNE FEINSTEIN,
TIM JOHNSON
(except Agriculture Disaster),

MARY L. LANDRIEU,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4939) making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying conference report.

Report language included in the reports of the House (H. Rept. 109-388) and of the Senate (S. Rept. 109-230) accompanying H.R. 4939 should be complied with unless specifically addressed in this statement of the managers. The statement of the managers, while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—GLOBAL WAR ON TERROR
SUPPLEMENTAL APPROPRIATIONS
CHAPTER I—DEPARTMENT OF
AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

The conference agreement provides \$350,000,000, to remain available until expended, for PL 480 Title II Grants as proposed by the House and the Senate.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement recommends \$65,791,894,000 for the Department of Defense, instead of \$67,557,241,000, as proposed by the House, and \$65,657,269,000, as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

(In thousands of dollars)

Account	House	Senate	Conference
Military Personnel:			
Military Personnel, Army	6,506,223	6,665,284	6,587,473
Military Personnel, Navy	1,061,724	1,071,474	1,321,474
Military Personnel, Marine Corps ..	834,122	860,872	840,872
Military Personnel, Air Force	1,145,363	1,195,713	1,155,713
Reserve Personnel, Army	166,070	150,570	140,570
Reserve Personnel, Navy	110,412	115,712	110,712
Reserve Personnel, Marine Corps ..	10,327	13,192	10,627
Reserve Personnel, Air Force	1,940	3,440	1,940
National Guard Personnel, Army ..	96,000	121,550	111,550
National Guard Personnel, Air Force	1,200	6,200	1,200
Total Military Personnel	9,933,381	10,204,007	10,282,131
Operation and Maintenance:			
O&M, Army	18,380,310	17,594,410	17,844,410
O&M, Navy	2,793,600	2,826,693	2,696,693
O&M, Marine Corps	1,722,911	1,589,911	1,639,911
O&M, Air Force	5,328,869	6,057,408	5,576,257
O&M, Defense-Wide	3,259,929	2,879,899	2,830,677
O&M, Army Reserve	100,100	100,100	100,100
O&M, Navy Reserve	236,509	236,509	78,509
O&M, Marine Corps Reserve	55,675	87,875	87,875
O&M, Air Force Reserve	18,563	18,563	18,563
O&M, Army National Guard	178,600	178,600	178,600
O&M, Air National Guard	30,400	30,400	30,400
Former Soviet Union Threat Reduction Account			44,500
Afghanistan Security Fund	1,851,833	1,908,133	1,908,133
Iraq Security Forces Fund	3,007,000	3,703,000	3,007,000
Iraq Freedom Fund		25,000	
Joint Improvised Explosive Device Defeat Fund		1,958,089	1,958,089
Total Operation and Maintenance	36,964,299	39,194,590	37,899,717
Procurement:			
Aircraft Procurement, Army	533,200	533,200	345,000
Missile Procurement, Army	203,300	203,300	203,300
Procurement of WTCV, Army	1,983,351	1,592,451	1,767,451
Procurement of Ammunition, Army	829,679	829,679	829,679
Other Procurement, Army	7,528,657	6,286,145	5,819,645
Aircraft Procurement, Navy	293,980	412,169	516,869
Weapons Procurement, Navy	90,800	63,351	55,200

(In thousands of dollars)

Account	House	Senate	Conference
Procurement of Ammunition, Navy & Marine Corps	330,996	327,126	323,256
Other Procurement, Navy	111,719	140,144	54,640
Procurement, Marine Corps	3,260,582	2,576,467	2,577,467
Aircraft Procurement, Air Force	663,595	679,515	674,815
Procurement of Ammunition, Air Force	29,047	29,047	29,047
Other Procurement, Air Force	1,489,192	1,452,651	1,500,591
Procurement, Defense-Wide	331,353	331,353	331,353
Total Procurement	17,679,451	15,456,598	15,028,313
Research, Development, Test and Evaluation:			
RDT&E, Army	424,177	54,700	54,700
RDT&E, Navy	126,845	124,845	124,845
RDT&E, Air Force	305,110	382,630	382,630
RDT&E, Defense-Wide	145,921	148,551	148,551
Total RDT&E	1,002,053	710,726	710,726
Revolving and Management Funds:			
Defense Working Capital Funds	502,700	516,700	516,700
Other Department of Defense Programs:			
Defense Health Program	1,153,562	1,153,562	1,153,562
Drug Interdiction and Counter-Drug Activities			
Defense	156,800	154,596	150,470
Office of the Inspector General	6,120	1,815	5,000
Total Other DoD Programs	1,316,482	1,309,973	1,309,032
Related Agencies:			
Intelligence Community Management Account	158,875	158,875	158,875
General Provisions:			
Transfer Authority for GWOT Supplemental (Non add)	[2,000,000]	2,000,000]	2,000,000]
Transfer Authority for FY 2006 Appropriations Act (Non add)	[0]	[600,000]	1,250,000]
Defense Cooperation Account		5,800	5,800
Reduction for Border Security		- 1,908,000	
Cooperative Threat Reduction Program		8,000	
Rescission, Missile Procurement, Air Force			(80,000)
Rescission, Other Procurement, Air Force			(39,400)
Grand Total	67,557,241	65,657,269	65,791,894

REPORTING REQUIREMENTS

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the date of enactment of this legislation on the allocation of the funds within the accounts listed in this chapter. The Secretary shall submit updated reports 30 days after the end of each fiscal quarter until funds listed in this chapter are no longer available for obligation. The conferees direct that these reports shall include: a detailed accounting of obligations and expenditures of appropriations provided in this chapter by program and subactivity group for the continuation of the war in Iraq and Afghanistan; and a listing of equipment procured using funds provided in this chapter. The conferees expect that in order to meet unanticipated requirements, the Department of Defense may

need to transfer funds within these appropriations accounts for purposes other than those specified in this report. The conferees direct the Department of Defense to follow normal prior approval reprogramming procedures should it be necessary to transfer funding between different appropriations accounts in this chapter.

Additionally, the conferees direct that the reporting requirements of section 9010 of Public Law 109-148, the Department of Defense Appropriations Act, 2006, regarding military operations and stability in Iraq shall apply to the funds appropriated in this Act.

ARMY COMBAT BRIGADES AND LONG-TERM EQUIPMENT REPAIR COSTS REPORTS

The conferees agree on the House requirements for reports to be submitted to the congressional defense committees on Army Combat Brigades and Long-Term Equipment Repair Costs. The conferees direct that the reports shall be submitted not later than July 7, 2006.

NATIONAL GUARD AND RESERVE

The House report directed that not less than \$3,571,083,000 of the funds provided in this bill shall be provided for the National Guard and Reserve forces to prosecute the Global War on Terror. The conferees agree that within the funds provided in the conference report, the National Guard and Reserve should receive not less than the President's budget request for these activities.

STRYKER UPGRADES

The conferees urge the Department of the Army to initiate Block 2 upgrade programs for existing Stryker brigades undergoing reset maintenance using funds available in this Act.

CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

MILITARY PERSONNEL

The conference agreement recommends \$10,282,131,000 for the military personnel accounts, instead of \$9,933,381,000 as proposed by the House, and \$10,204,007,000 as proposed by the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

Account	House	Senate	Conference
Military Personnel, Army:			
Incremental OIF/OEF war-time costs	4,170,763	4,170,763	4,170,763
Basic Allowance for Housing	843,660	843,660	843,660
Army active duty over-strength	370,100	370,100	370,100
Convalescent Soldiers Clothing Allowance	1,900	1,900	1,900
Recruiting and Retention Initiatives	151,000	298,811	221,000
Subsistence	289,800	289,800	289,800
Foreign Language Proficiency Pay	33,700	33,700	33,700
SGLI/Death Gratuities	645,300	656,550	656,550
Total Military Personnel, Army	6,506,223	6,665,284	6,587,473
Military Personnel, Navy:			
Incremental OIF/OEF war-time costs	704,451	404,451	404,451
Basic Allowance for Housing	98,473	98,473	98,473
Pay and Allowances		300,000	550,000
SGLI/Death Gratuity	221,000	230,750	230,750
Active Duty Special Work	13,400	13,400	13,400
GITMO PCS	12,500	12,500	12,500
Foreign Language Proficiency Pay/Other	10,400	10,400	10,400
GWOT Initiatives	1,500	1,500	1,500
Total Military Personnel, Navy	1,061,724	1,071,474	1,321,474
Military Personnel, Marine Corps:			
Incremental OIF/OEF war-time costs	283,492	283,492	283,492

[In thousands of dollars]			
Account	House	Senate	Conference
Basic Allowance for Housing	86,430	86,430	86,430
Marine Corps active duty overstrength	272,600	272,600	272,600
Pay and Allowances	191,600	198,350	198,350
SGLI/Death Gratuity			
Total Military Personnel, Marine Corps	834,122	860,872	840,872
Military Personnel, Air Force: Incremental OIF/OEF war-time costs	721,834	721,834	721,834
Basic Allowance for Housing	131,100	131,100	131,100
Pay and Allowances	292,429	302,779	302,779
SGLI/Death Gratuity			
Total Military Personnel, Air Force	1,145,363	1,195,713	1,155,713
Reserve Personnel, Army: Recruiting and Retention Initiatives	159,070	129,070	129,070
Branch Officer Basic Course		10,000	
Foreign Army Training Command	4,500	4,500	4,500
Port Handling Operations	2,500	2,500	2,500
SGLI/Death Gratuity		4,500	4,500
Total Reserve Personnel, Army	166,070	150,570	140,570
Reserve Personnel, Navy: Incremental OIF/OEF war-time costs	82,128	82,128	82,128
Basic Allowance for Housing	24,984	24,984	24,984
Recruiting and Retention		5,000	
SGLI/Death Gratuity	2,300	2,600	2,600
GWOT Initiatives	1,000	1,000	1,000
Total Reserve Personnel, Navy	110,412	115,712	110,712
Reserve Personnel, Marine Corps: Transitional Active Force Augmentation	9,127	9,127	9,127
Recruiting and Retention		2,565	
SGLI/Death Gratuity	1,200	1,500	1,500
Total Reserve Personnel, Marine Corps	10,327	13,192	10,627
Reserve Personnel, Air Force: Schools and Special Training		1,500	
SGLI/Death Gratuity	1,940	1,940	1,940
Total Reserve Personnel, Air Force	1,940	3,440	1,940
National Guard Personnel, Army: Recruiting and Retention Initiatives	35,000	55,000	45,000
SGLI/Death Gratuity	5,000	17,550	17,550
Inactive Duty Training	36,200	36,200	36,200
Annual Training (AT)	12,800	12,800	12,800
Incapacitation Pay	7,000		
Total National Guard Personnel, Army	96,000	121,500	111,500
National Guard Personnel, Air Force: Recruiting and Retention Initiatives		5,000	
SGLI/Death Gratuity	1,200	1,200	1,200
Total National Guard Personnel, Air Force	1,200	6,200	1,200
Total Military Personnel	9,933,381	10,204,007	10,282,131

OPERATION AND MAINTENANCE

The conference agreement recommends \$37,899,717,000 for the operation and maintenance accounts, instead of \$36,964,299,000 as proposed by the House, and \$39,194,590,000 as proposed by the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]	
Account	Conference
Operation and Maintenance, Army: Incremental Wartime Operating Costs	7,562,500

Account	Conference
Incremental LOGCAP	1,752,410
Civilian and Contractor Subsistence	511,000
Second Destination Transportation	646,500
Other Transportation	754,600
Depot Maintenance	773,700
Depot Maintenance: Army National Guard Abrams AIM	130,000
Contractor Logistics Support (CLS)	865,700
Other Maintenance—Organizational and Intermediate	109,500
Communications and Electronics	585,200
Other Personnel Support	349,000
Recruiting and Retention	4,000
Medical and Casualty Support	62,600
Contract Linguists	290,000
Training	1,446,800
CONUS Base Support (to include CHPP Fire Damage)	16,000
Army Modular Facilities	247,700
Other GW OT Operations and Support	125,100
OHDACA Reimbursement	20,000
Lift and Sustain	351,000
Commanders Emergency Response Program	423,000
Project and Contracting Office	200,000
Joint Improvised Explosive Device (JIED) Defeat Transfer to JIED Fund Coalition Blue Force Tracker and COB Communications	16,000
Other Programs	235,600
Baseline Budget Fuel Increase	116,500
Reset	150,000
Total Operation and Maintenance, Army ..	17,744,410
Operation and Maintenance, Navy: Personnel Support Costs	41,800
Body Armor	13,200
Ship Depot Maintenance	134,200
Aircraft Depot Maintenance	19,600
Ground Depot Maintenance	110,300
Reset	36,700
Steaming Days	130,200
Flying Hours	503,900
C4I, Logistics, Material and Training Support ..	268,600
Other Operational Support Costs	203,100
OHDACA Reimbursement	20,000
Baseline Fuel Rate Increase	157,600
Other GWOT Operations and Support	90,600
Classified Programs	61,593
USMC Transportation	326,900
Airlift	255,700
Sealift	20,800
Other Transportation	301,900
Total Operation and Maintenance, Navy ..	2,696,693

Operation and Maintenance, Marine Corps: Personnel Support Costs	118,900
Body Armor/Initial Issue/Personal Protection Equipment	238,700
Equipment Maintenance	39,100
Reset	240,800

Account	Conference
In-Theater Logistics Support	321,100
Horn of Africa LOG CAP	149,900
Other Operating Support Costs	190,511
Classified Programs	8,600
Second Destination Transportation	289,000
Airlift	22,300
Sealift	21,000
Total Operation and Maintenance, Marine Corps	1,639,911
Operation and Maintenance, Air Force: Operating Support/Flying Hours/Unit	1,262,849
Optempo	
Depot Maintenance and Contractor Logistics Support	838,572
Transportation	1,559,004
Fuel Rate Increase	149,200
GWOT Airlift/SDT	924,360
Personnel Support	296,294
Body Armor	24,700
Other Support	275,549
OHDACA Reimbursement	20,000
Classified Programs	225,729
Total Operation and Maintenance, Air Force	5,576,257
Operation and Maintenance, Defense-Wide: TJS—Combatant Commander Initiative Fund	25,000
SOCOM—Special Operations Command	856,852
DLA—Over Ocean Transportation	100,000
DCAA—Contract Audit ..	16,000
DCMA—Contract Management	6,000
DODEA—Family Support Counseling	85,000
DODEA—Transition Assistance to Separating Service Members	8,000
DLSA—Military Tribunals	11,000
DISA—Communications Network Support	77,000
AFIS—Stars & Stripes, American Forces	
Radio/TV Service	12,100
DSCA—Coalition Support	740,000
OSD—Lift & Sustain	95,000
OSD—NI/DCIP to Support USCENTCOM and Warfighter Activities ..	32,600
DTRA—Cooperative Threat Reduction (Transfer to FSUTR Account)	—
Other Defense-Wide Programs	26,547
Coast Guard Support	75,000
Classified Programs	664,578
Border Security Initiative (Transfer to title V)	—
Total Operation and Maintenance, Defense-Wide	2,830,677
Operation and Maintenance, Army Reserve: Recruiting and Retention Support	3,800
Premobilization Training	65,400

Account	Conference	Account	Conference
Port Handling Operations	600	Baseline Budget Fuel Increase	28,100
Pre/Post Mobilization Equipment Maintenance	8,800	Total Operation and Maintenance, Army National Guard	178,600
USAR Range Operations	3,000		
Foreign Army Training Command	2,000	Operation and Maintenance, Air National Guard:	
Soldier and Family Support Programs	1,100	Baseline Budget Fuel Increase	30,400
Baseline Budget Fuel Increase	15,400	Total Operation and Maintenance, Air National Guard	30,400
Total Operation and Maintenance, Army Reserve	100,100		
Total Operation and Maintenance, Navy Reserve:		Former Soviet Union Threat Reduction Account (FSUTRA)	44,500
Reserve Operating Support Costs	59,909	Afghanistan Security Forces Fund	1,908,133
Classified Programs	15,600	Iraq Freedom Fund	3,007,000
Depot Maintenance	3,000	Total Security Forces Funds	4,915,133
Total Operation and Maintenance, Navy Reserve	78,509	Iraq Freedom Fund	-
Total Operation and Maintenance, Marine Corps Reserve:		Joint Improvised Explosive Device Defeat Fund	1,958,089
Body Armor/Initial Issue/Personal Protection Equipment	68,900	Total Operation and Maintenance	37,899,717
Other Personnel Support	2,100	COMPREHENSIVE COMBAT CASUALTY CARE CENTER IN SAN DIEGO	
Operating Forces	9,825	The conferees are pleased that the Navy has made funds available to open the Comprehensive Combat Casualty Care Center in San Diego and that the Navy has agreed to continue financing this center in future budgets. The creation of this center will help marines, sailors and soldiers assigned to the West Coast return to their commands, families and communities, while ensuring that their rehabilitation continues without interruption.	
Training and Support	3,725	OPERATION AND MAINTENANCE, DEFENSE-WIDE	
Base Operating Support	3,125	The conference agreement includes \$5,000,000 for emergencies and extraordinary expenses instead of \$10,000,000 as proposed by the House. The Senate did not address this matter.	
Baseline Budget Fuel Increase	200	The conference agreement includes \$740,000,000 in coalition support funding as proposed by the Senate instead of \$1,200,000,000 as proposed by the House.	
Total Operation and Maintenance, Marine Corps Reserve	87,875	The conference agreement amends Senate language providing that up to \$75,000,000 shall be transferred to the Coast Guard for operating expenses. The House bill addressed this matter in the Operation and Maintenance, Navy account.	
Operation and Maintenance, Air Force Reserve:		BORDER SECURITY INITIATIVE	
Personnel Operating Support Costs	1,300	On May 18, 2006, the Administration submitted a revised supplemental request for a border security initiative. The revised request provided an additional \$1,900,000,000 to the Departments of Defense, Justice and Homeland Security for this initiative. The additional amount for the President's border security initiative was offset by a corresponding reduction to the Department of Defense's funding for the Global War on Terror.	
Baseline Budget Fuel Increase	17,263	The conferees recommend \$708,000,000, instead of \$756,000,000 as proposed by the Administration, for the Department of Defense	
Total Operation and Maintenance, Air Force Reserve	18,563		
Operation and Maintenance, Army National Guard:			
Recruiting and Retention Support	77,000		
Premobilization Training	21,500		
Aviation Depot Level Maintenance	19,300		
Military Technician Program	30,000		
Battle Command Simulation	1,200		
Line of Duty Application Processing	1,500		

to fund the incremental military personnel and operation and maintenance costs of deploying up to 6,000 National Guard personnel to the U.S. border for one year in support of the Department of Homeland Security.

The funds recommended for the Department of Defense are addressed in Title V of this Act.

COUNSELING AND TRANSITION ASSISTANCE

The conferees remain concerned about the effects of combat operations on the emotional and psychological well-being of our military forces returning from war. This concern is borne out by a recently released Veterans Administration (VA) report that indicates almost 30,000 Operation Iraqi Freedom/Operation Enduring Freedom veterans have reported to VA hospitals with effects from post traumatic stress syndrome (PTSD). To address this issue, the conferees agree to include \$93,000,000 for family support counseling and transition assistance, an increase of \$50,000,000 over the request. The conferees believe the Department of Defense should redouble its efforts to understand the counseling and transition assistance needs of our returning troops and seek sufficient funding for programs that address these needs.

FORMER SOVIET UNION THREAT REDUCTION ACCOUNT

The conference agreement provides \$44,500,000 for the Former Soviet Union Threat Reduction Account.

AFGHANISTAN AND IRAQ SECURITY FORCES FUNDS

The conference agreement provides \$1,908,133,000 for the Afghanistan Security Forces Fund, as proposed by the Senate, instead of \$1,851,833,000 as proposed by the House; and provides \$3,007,000,000 for the Iraq Security Forces Fund, as proposed by the House, instead of \$3,703,000,000, as proposed by the Senate. The conferees agree that funds may be made available for infrastructure for the security forces in both countries that are being trained and equipped by the United States and its coalition allies, including police and military forces.

While the conference agreement does not provide full funding as requested by the President for these funds, the conferees note that it would not have been possible for the requested funds to be fully obligated and expended in the remaining months of fiscal year 2006. The reduction is taken without prejudice.

The conferees endorse language as proposed by the House regarding reporting requirements for the Afghanistan and Iraq Security Forces Funds.

The conferees are concerned that Iraq's neighbors in the Middle East have not provided sufficient resources to ensure security and stability in that country. Many of these nations have experienced greatly increased revenue flows due to the rise in oil prices. While the United States and its coalition allies have borne the predominant burden of combat operations, supporting free elections, and helping establish a permanent government, Arab and other nations in the region now need to greatly enhance their assistance for the new Iraqi security forces. The conferees strongly urge the Department of Defense and the Administration to renew efforts to solicit contributions from these nations so that in the future the United States is not the primary source of funds for the modernization of the Iraqi security forces.

COMMANDER'S EMERGENCY RESPONSE PROGRAM

The conferees provide \$423,000,000 for the Commander's Emergency Response Program (CERP), as proposed by both the House and the Senate. The conferees endorse language

as proposed by the House that amends current CERP reporting requirements. The conferees also recognize that military commanders in the field are the first line of contact with the civilian population and therefore direct that the CERP funds remain under the operational control of the military commanders.

CONDOLENCE PAYMENTS

The conferees agree with the intent of the Senate language on condolence payments to civilians who have suffered injuries, or to the families of those who have died, as a result of combat operations. In addressing Department of Defense condolence payments, the report should only address activities funded under the CERP program. Recommendations on funding mechanisms for condolence payments should include a consideration of funding through other Federal Agencies.

JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND

The conferees provide \$1,958,089,000 for the Joint Improved Explosive Device Defeat Fund, as proposed by the Senate.

The conferees endorse the Senate language which directs the Department of Defense to provide an initial report on the organization, funding, and other matters related to the Joint Improved Explosive Device Defeat Fund. The initial report shall be provided to the congressional defense committees within 60 days of enactment of the accompanying Act. In addition, the Department is to provide subsequent reports not later than 30 days after the end of each fiscal quarter to the congressional defense committees.

PROCUREMENT

The conference agreement provides a total of \$15,028,313,000 for various procurement appropriations, instead of \$17,679,451,000 as proposed by the House and \$15,456,598,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]			
Account	House	Senate	Conference
Aircraft Procurement, Army:			
AH-64 Apache Mods	500,000	500,000	345,000
GUARDRAIL Mods (TIARA)	33,200	33,200	
Total Aircraft Procurement, Army ..	533,200	533,200	345,000
Missile Procurement, Army:			
ATACMS Block I A Unitary	91,000	91,000	91,000
ITAS/TOW Mods	112,300	112,300	112,300
Total Missile Procurement, Army ..	203,300	203,300	203,300
Procurement of Weapons and Tracked Combat Vehicles, Army:			
Stryker	164,875	158,875	158,875
Carrier Mods	50,000	50,000	50,000
Fire Support Team (FIST) Vehicle	116,220	116,220	116,220
Bradley Fighting Vehicle Systems Mods	5,000	5,000	5,000
Bradley Fighting Vehicle Systems Mods—Bradley Reactive Armored Tire (BRAT)	137,400	137,400	137,400
Bradley Base Sustainment	250,000		175,000
M1 Abrams Tank Mod (AIM)	103,000	103,000	103,000
System Enhancement Program: SEP M1A2	300,000		
M1 Abrams Tank Urban Survival Kit (TUSK)	100,000	100,000	100,000
Abrams System Enhancement Program: SEP M1A2		300,000	300,000
Improved Recovery Vehicle	100,000		
Heavy Assault Bridge (HAB) System Mod	6,346	6,346	6,346
M240 medium machine gun (7.62mm)	2,703	2,703	2,703
M249 SAW machine gun (5.56mm)	23,939	23,939	23,939
MK-19 Grenade Machine Gun (40mm)	18,300	18,300	18,300

[In thousands of dollars]			
Account	House	Senate	Conference
Mortar Systems	50,500	50,500	50,500
M107, Cal. 50 sniper rifle	9,949	9,949	9,949
Pistol 9mm Automatic, M9	4	4	4
XM 110 Semi-Automatic Sniper System (SASS)	8,000	8,000	8,000
CROWS	131,000	131,000	131,000
Howitzer, Light Towed, 105mm, M119	152,900	152,900	152,900
Phalanx	192,600	157,700	157,700
Howitzer, MED SP FT 155mm M109A6	480	480	480
Shotgun Modular Accessory System (MASS)	10,478	10,478	10,478
M249 SAW mods	14,060	14,060	14,060
M240 medium machine gun mods	10,105	10,105	10,105
M16 rifle mods	659	659	659
Modifications Less Than \$5 Million	11,224	11,224	11,224
M2 50 Cal Machine Gun Mods	8,900	8,900	8,900
Small Arms Equipment (Soldier Enhancement Program)	4,709	4,709	4,709
Total Procurement of WTCV, Army ..	1,983,351	1,592,451	1,767,451
Procurement of Ammunition, Army:			
CTG, 5.56MM, All Types ..	50,170	50,170	50,170
CTG, 7.62MM, All Types ..	45,739	45,739	45,739
CTG, 9MM, All Types	3,513	3,513	3,513
CTG, 50 CAL, All Types ..	22,951	22,951	22,951
CTG, 20MM for Counter Rocket and Mortar System (C-RAM)	20,700	20,700	20,700
CTG, 25MM, All Types	18,999	18,999	18,999
CTG, 30MM, All Types	11,062	11,062	11,062
CTG, 40MM, All Types	47,132	47,132	47,132
CTG, 60MM MORTAR, All Types	30,670	30,670	30,670
CTG, 81MM MORTAR, All Types	67,469	67,469	67,469
CTG, MORTAR, 120MM, All Types	139,927	139,927	139,927
CTG, Tank Training, All Types	2,262	2,262	2,262
CTG, Tank, 120MM Tactical, All Types	15,000	15,000	15,000
CTG, Artillery, 155MM, All Types	4,239	4,239	4,239
Modular Artillery Charge System (MACS), All Types	16,082	16,082	16,082
Mines (Conventional), All Types	486	486	486
Mine, Clearing Charge, All Types	5,000	5,000	5,000
Shoulder Fired Rockets, All Types	8,571	8,571	8,571
Rocket, Hydra 70, All Types	10,000	10,000	10,000
Demolition Munitions, All Types	25,828	25,828	25,828
Grenades, All Types	7,577	7,577	7,577
Signals, All Types	186,209	186,209	186,209
Non-Lethal Ammunition, All Types	46,782	46,782	46,782
Items Less Than \$5 Million	12,311	12,311	12,311
Provision of Industrial Facilities (Holston Army Ammunition Plant)	31,000	31,000	31,000
Total Procurement of Ammunition, Army	829,679	829,679	829,679
Other Procurement, Army:			
Joint Improved Explosive Device (IED) Defeat	1,110,712		
LOGCAP Trucks, Trailers and other equipment ..	245,000		
Tactical Trailer/Dolly Sets Up-Armor HMMWVs: M1151, M1152	29,000	29,000	29,000
FMTVs	890,000	890,000	890,000
Fire Trucks and Associated Fire Fighting Equipment	499,000	499,000	319,000
FHTV	23,600	23,600	23,600
Armored Security Vehicles	142,100	142,100	142,100
HMMWV RECAP Program	39,200	39,200	39,200
Modification of In-Service Equipment Transfer from RDT&A	451,900	451,900	451,900
Non-Tactical Vehicles, Other		21,800	21,800
Super High Frequency (SHF) Terminal (SPACE)	600	600	600
Navstar Global Positioning System (Space)	10,000	10,000	10,000
Global Broadcast Service (GBS)	63,200	63,200	63,200
Global Command and Control System—Army (GCCS-A)	1,300	1,300	1,300
	7,200	7,200	7,200

[In thousands of dollars]			
Account	House	Senate	Conference
Items Under \$5 million, Modification of In-Service Equipment	2,000	2,000	2,000
Army Data Distribution System (ADDS)	31,300	31,300	31,300
SINGARS Family	692,000	692,000	525,000
Bridge to Future Networks—Joint Network Nodes (JNN)	853,700	743,700	643,700
Radio Improved, HF Family	257,700	257,700	257,700
Medical Comm for Combat Casualty Care (MC4)	11,300	11,300	11,300
TSEC, Army Key Management System (AKMS) ..	35,700	35,700	35,700
Information System Security Program	95,700		
World Wide Tech Control Improvement Program ..	6,200	101,900	101,900
All Source Analysis System	33,500	33,500	33,500
Army Common Ground Station	8,900	8,900	8,900
Prophet Ground	8,900	8,900	8,900
Tactical Unmanned Aerial System (TUAS)	50,200	50,200	50,200
Digital Topographic Support System	36,400	36,400	36,400
Tactical Exploitation System (TES)	19,500	19,500	
CI HUMINT Information Management Systems (CHIMS)	6,900	6,900	6,900
Items Less Than \$5.0M (MIP)	53,100	53,100	53,100
Lightweight Counter Mortar Radar	89,700	89,700	89,700
Counter Intelligence/Security Countermeasure	4,200	4,200	4,200
Night Vision Devices,	173,300	173,300	173,300
Long Range Advanced Scout Surveillance System (LRAS3)	82,200	82,200	82,200
Thermal Weapon System—NightVision Equipment	42,200	42,200	42,200
Artillery Accuracy	15,500	15,500	15,500
Modification of In-Service Equipment (Firefinder Radar)	108,300	108,300	108,300
Force XXI Battle Command BDE and Below (FBCB2)	38,900	38,900	38,900
Lightweight Laser Designator Rangefinder (LLDR)	95,000	95,000	95,000
Handheld Mortar Ballistic Computer (LHMCB)	21,300	21,300	21,300
Mortar Fire Control System	9,600	9,600	9,600
Tactical Operations Centers	78,300	78,300	78,300
Advanced Field Artillery Tactical Data Systems (AFATDS)	1,900	1,900	1,900
Lightweight Technical Fire Direction System ..	2,700	2,700	2,700
Battle Command Sustainment Support System (BCSS)	21,600	21,600	21,600
Forward Area Air Defense Command, Control and Intelligence (FAAD C2) System	154,400	189,300	189,300
Forward Entry Device (FED)/Lightweight FED	6,100	6,100	6,100
M707 Knight with Fire Support Sensor System (FS3)	112,800	112,800	112,800
Maneuver Control System (MCS)	26,000	26,000	26,000
Single Army Logistics Enterprise	600	600	600
Automated Data Processing Equipment	87,800	87,800	87,800
Transponder Test Set	2,700	2,700	2,700
Smoke and Obscurant Family—Radiac Meters & Chem Masks ..	11,800	11,800	11,800
Handheld Standoff Minefield Detection System	5,300	5,300	5,300
Ground Standoff Minefield Detection System	200,700	200,700	200,700
Explosive Ordnance Disposal Equipment (EOD EQPM)	2,100	2,100	2,100
Items Less Than \$5.0M Counterterm Equipment	1,100	1,100	1,100
Items Less Than \$5.0M Engineering Support ..	1,000	1,000	1,000
Distribution System, Petroleum and Water	35,900	35,900	35,900
Shop Equipment, Contact Maintenance	37,300	37,300	37,300
Loader, Scoop, 4-5 Cubic Yard	5,000	5,000	5,000
Construction Equipment (Scrapers, Graders, Dozers)	25,000	25,000	25,000

[In thousands of dollars]				[In thousands of dollars]				[In thousands of dollars]			
Account	House	Senate	Conference	Account	House	Senate	Conference	Account	House	Senate	Conference
Generators and Associated Equipment	24,400	24,400	24,400	Common Ground Imagery Ground Surface System	21,400	21,400	21,400	U2 SIGINT Sensor Re- placement	22,500	22,500	22,500
Persistent Surveillance/Threat Detection Systems	143,400	143,400	143,400	DCGS—Navy	4,095	4,995	4,955	Predator RQ/MQ-1	53,000	57,700	53,000
Physical Security Systems—Mobile Vehicle and Cargo Inspection Systems	37,700	37,700	37,700	Communications Items Under \$5M	22,295	36,995	.....	A-10 Refurbishment	7,000	7,000	7,000
Communications Equipment Spares (TUAV Spares)	3,000	3,000	3,000	Standard Boats (RHIBs)—NECC	3,300	3,300	3,300	C-130J	216,000	216,000	216,000
Building Pre-Fab, Relocatable .....	.....	135,000	135,000	Physical Security Equipment	376	1,476	.....	HH-60 Altitude Hold Hover Stabilization System	9,200	9,200	9,200
Demolition Set Explosive Shelter Tunnel TY3	100	100	100	Chemical Warfare Detectors—NECC	73	478	.....	Senior Scout QRC	1,300	1,300	1,300
Table Tilting Gyro Instrument	3,000	3,000	3,000	Materials Handling Equipment—NECC	3,436	3,801	.....	RC-135 Rivet Joint Real-Time SIGINT	20,300	15,300	15,300
Tool Outfit Hydraulic System	45	45	45	Spares and Repair Parts—NECC	140	140	140	Tactical Data Link (A-10 Aircraft)	3,760	3,760	3,760
Classified Program	500	500	500	C4ISR Equipment—NECC .....	.....	75	.....	U-2 Electronic Warfare System MEWS Re- placement	14,280	.....	.....
Training Devices, Non-system .....	.....	31,500	31,500	NAVSTAR GPS Receivers—NECC	3,600	3,600	3,600	U-2 Ground Support Unit II	975	975	975
Total Other Procurement, Army	7,528,657	6,286,145	5,819,645	Expeditionary Airfields .....	.....	.....	.....	AC-130 Enhanced ETCAS	13,000	13,000	13,000
Aircraft Procurement, Navy:				Items Less Than \$5M, Other Shipboard Equipment	7,200	7,200	7,200	C-17 Initial Spares Replenishment	28,000	.....	28,000
V-22 .....	.....	230,000	230,000	Total Other Procurement, Navy	111,719	140,144	54,640	C-17 (MYP) .....	.....	28,000	.....
UH-1Y/AH-1Z Aircraft .....	.....	.....	.....	Procurement, Marine Corps:				MQ-1 Predator Initial Equipment—AFSOC	76,680	76,680	76,680
KC-130J—Procure 2 Aircraft	126,600	.....	126,600	AAV7A1 Product Improvement Program	58,089	58,089	58,089	C-17 LAIRCM	97,000	.....	.....
EA-6 Series	7,029	7,029	7,029	Light Armored Vehicle (LAV) Product Improvement Program	62,000	62,000	61,953	C-17 Aircraft (AP for 7 aircraft in FY08)	100,000	227,500	227,500
AV-8 Series	9,647	21,947	9,647	Weapons & combat Vehicles (to include MARSOC) ..	134,710	35,610	35,610	Total Aircraft Procurement, Air Force	663,595	679,515	674,815
F-18 Series	15,500	15,500	15,500	Modular Weapon System Modifications Kits (Armor & Weapons Systems) ..	39,392	32,500	32,492	Procurement of Ammunition, Air Force:			
H-46 Series	12,957	12,957	12,957	Weapons Enhancement Program (to include MARSOC) ..	36,230	36,230	36,230	War Reserve Material Ammunition	22,527	22,527	22,527
AH-1W Series	810	810	810	Operations Other Than War (Security Systems and Non-lethal Systems)	15,600	15,600	15,600	Remote Firing Devices and Demolition Munitions for EOD Units	6,520	6,520	6,520
H-53 Series	38,504	40,504	38,504	JAVELIN	3,682	3,682	3,682	Total Procurement of Ammunition, Air Force	29,047	29,047	29,047
SH-60 Series	250	250	250	Modifications Kits—TOW Unit Operations Center ..	239,984	239,984	239,984	Other Procurement, Air Force:			
H-1 Series	14,978	14,978	14,978	Repair and Test Equipment	222,510	222,510	222,510	Hydramine Mine clearance Equipment	8,700	8,700	8,700
E-2 Series	15,620	12,200	.....	Combat Support System (LSWAN)	15,000	15,000	15,000	Up-Armored HMMWV	17,831	17,831	17,831
C-2A	1,950	1,950	1,950	Items Under \$5 Million (Communications & electronics)	153	153	153	MTRS for EOD	12,500	12,500	12,500
C-130 Series	18,875	15,184	15,184	Air Operations C2 Systems	5,504	5,504	5,504	AFRES Vehicle Replacements	223	223	223
Common Electronic Countermeasure (ECM) Equipment	1,540	1,540	1,540	RADAR Systems (TPS-59) Fire Support Systems	15,250	15,250	15,250	Distributed Common Ground System	95,000	95,000	95,000
ID Systems	625	625	625	Intelligence Support Equipment (UAV)	78,175	18,975	18,975	DCGS-4	5,045	5,045	5,045
Spares and Repair Parts Common Ground Equipment	20,409	11,909	20,409	Night Vision Equipment ..	258,740	217,040	217,147	Halvorsen	7,000	7,000	7,000
Aircraft Industrial Facilities	879	879	879	Common Computer Resources	21,599	21,599	21,599	DCGS PEDS Integration ..	1,600	1,600	1,600
War Consumables	4,870	20,970	4,870	Command Post Systems Radio Systems	539,815	424,209	424,209	Warfighting Headquarters ICE	1,500	1,500	1,500
Total Aircraft Procurement, Navy ..	293,980	412,169	516,869	Communications Switching & Control Systems	215,125	118,425	119,425	Encryption Device Replacement	400	438	438
Weapons Procurement, Navy:				Support	178,600	178,600	178,553	Combat Convoy Trainer ..	2,430	2,430	2,430
Hellfire Missiles	85,200	55,200	55,200	5/4T Truck HMMWV (MARSOC)	271,409	271,409	271,409	Classified	1,312,963	1,300,384	1,324,324
Small Arms and Weapons—NECC	5,600	8,151	.....	Motor Transport Modifications	302,179	302,179	302,179	CENTAF Battle Control System—Mobile	24,000	.....	24,000
Total Weapons Procurement, Navy ..	90,800	63,351	55,200	Family of Tactical Trailers Items less than \$5 Million (Various Support Vehicles)	1,991	1,991	1,991	Total Other Procurement, Air Force ..	1,489,192	1,452,651	1,500,591
Procurement of Ammunition, Navy and Marine Corps:				Environmental Control Equipment Assorted	8,788	8,788	8,788	Procurement, Defense-Wide:			
Air Expensible Countermeasures	1,800	1,800	1,800	Bulk Liquid Equipment ..	7,581	7,581	7,581	Teleport Program	4,800	4,800	4,800
Small Arms and Landing Party Ammunition .....	.....	3,870	.....	Tactical Fuel Systems	4,016	4,016	4,016	Defense Information Switched Network	2,600	2,600	2,600
5.56MM Ammunition, All Types	10,284	10,284	10,284	Power Equipment Assembled	26,888	21,888	21,888	AVMH-6M Little bird Helicopters Repair & Replacements (3)	6,800	6,800	6,800
7.62MM Ammunition, All Types	6,685	6,685	6,685	sorted .....	.....	.....	.....	SOF Ordnance Replenishment	26,200	26,200	26,200
50 Caliber Ammunition ..	15,054	15,054	15,054	Amphibious Support Equipment (MARSOC) ..	12,168	12,168	12,168	SOF Ordnance Acquisition Communication Equipment & Electronics	43,600	43,600	43,600
40MM Ammunition, All Types	48,888	41,148	41,148	EOD Systems	154,704	27,094	27,104	SOF Intelligence Systems	47,400	47,400	47,400
60MM Ammunition, All Types	17,436	17,436	17,436	Physical Security Equipment	12,600	12,600	12,600	Small Arms and Weapons Tactical Vehicles	23,300	23,300	23,300
81MM Ammunition, All Types	35,652	35,652	35,652	Material Handling Equipment	2,459	2,459	2,459	SOF Combatant Craft Systems	13,100	13,100	13,100
120MM Ammunition, All Types	38,989	38,989	38,989	Field Medical Equipment	5,592	5,592	5,592	SOF Operational Enhancements	50,400	50,400	50,400
CTG 25MM, All Types	7,590	7,590	7,590	Training Devices	126,090	61,790	61,790	Individual Protection	5,100	5,100	5,100
9MM Ammunition, All Types	235	235	235	Container Family	7,212	7,212	7,212	Contamination Avoidance	53,178	53,178	53,178
Grenades, All Types	7,118	7,118	7,118	Family of Construction Equipment (MARSOC) ..	2,126	2,126	2,126	Classified Programs	40,675	40,675	40,675
Rockets, All Types	45,303	45,303	45,303	Family of Internally Transportable Vehicle (ITV)	51,760	.....	.....	Total Procurement, Defense-Wide	331,353	331,353	331,353
Artillery, All Types	42,395	42,395	42,395	Rapid Deployable Kitchen	800	800	800	Total Procurement ..	17,679,451	15,456,598	15,028,313
Demolition Munitions, All Types	36,420	36,420	36,420	Items less than \$5 Million	56,495	56,495	56,495	RESEARCH, DEVELOPMENT, TEST AND EVALUATION			
Fuze, All Types	855	855	855	Total Procurement, Marine Corps	3,260,582	2,576,467	2,577,467	The conference agreement provides a total of \$710,726,000 for research, development, test and evaluation appropriations, as proposed by the Senate, instead of \$1,002,053,000 as proposed by the House.			
Non Lethals	1,070	1,070	1,070	Aircraft Procurement, Air Force:							
Ammo Modernization	15,003	15,003	15,003	Compass Call IED Defeat Capability	600	600	600				
Items Less Than \$5 Million	219	219	219								
Total Procurement of Ammunition, Navy and Marine Corps	330,996	327,126	323,256								
Other Procurement, Navy:											
Tactical Vehicles—NECC Construction and Maintenance Equipment—NECC	17,928	25,528	.....							
Items Under \$5 Million (Civil Engineering Support)—NECC	571	1,051	.....							
Shipboard IW Exploit	8,305	10,655	.....							
	19,000	19,000	19,000								

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]			
Account	House	Senate	Conference
RDTE&E, Army:			
Joint Improvised Explosive Device (IED) Defeat	357,477		
Combat Engineer Equipment Uparmoring Engineering Development	25,800	4,000	4,000
FAAD C2 Counter Rocket, Artillery, Mortar (C-RAM)	13,400	13,400	13,400
Oak Bard (Classified)	5,900	5,900	5,900
Rapid Equipping Soldier Support Equipment	20,000	20,000	20,000
JNN Testing (transfer from Other Procurement, Army)		10,000	10,000
Fuel Cost Increase	1,600	1,400	1,400
Total RDTE&E, Army	424,177	54,700	54,700
RDTE&E, Navy:			
AV-8B Aircraft Engine Development	4,500	4,500	4,500
Electronic Warfare Development	900	900	900
Other Helo Development ..	2,000		
Classified Program	117,445	117,445	117,445
Various (Fuel)	2,000	2,000	2,000
Total RDTE&E, Navy	126,845	124,845	124,845
RDTE&E, Air Force:			
A-10 Beyond Line-of-Site Radio	1,200	1,200	1,200
TARS CIP	3,000		
CENTAF BCS-M Replacement	6,000	6,000	6,000
Fuel Price Increase	4,500	4,500	4,500
Predator Multiple Aircraft Control	1,500		

OFFICE OF THE INSPECTOR GENERAL
The conference agreement provides \$5,000,000 for the Office of the Inspector General, instead of \$6,120,000 as proposed by the House and \$1,815,000 as proposed by the Senate. This increase is intended to allow the Inspector General to facilitate his oversight activities of the Afghanistan and Iraq Security Forces Funds, among other activities.

RELATED AGENCIES
INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
The conference agreement provides \$158,875,000 for the Intelligence Community Management Account, as proposed by both the House and the Senate.

GENERAL PROVISIONS—THIS TITLE
The conferees agree to retain and amend section 1201, as proposed by the House and Senate, which provides the Secretary of Defense authority to transfer up to \$2,000,000,000 of funds made available in this title.
The conferees agree to retain and amend section 1202, as proposed by the Senate, which amends section 8005 of the Department of Defense Appropriations Act, 2006 to provide an additional \$1,250,000,000 in transfer authority.
The conferees agree to retain section 1203, as proposed by the Senate, which provides that funds in the Defense Cooperation Account may be transferred to other defense accounts.
The conferees agree to retain section 1204, as proposed by the Senate, which increases

[In thousands of dollars]			
Account	House	Senate	Conference
Defense Reconnaissance Support Activities	3,430	3,450	3,450
Classified	285,480	367,480	367,480
Total RDTE&E, Air Force	305,110	382,630	382,630
RDTE&E, Defense-Wide:			
Defense Information Systems Agency	22,500	22,500	22,500
Advanced Concept Technology Development	2,600	2,600	2,600
Quick Reaction Special Projects	3,921	3,921	3,921
Classified	116,900	119,530	119,530
Total RDTE&E, Defense-Wide	145,921	148,551	148,551
Total RDTE&E	1,002,053	710,726	710,726

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS
The conference agreement provides \$516,700,000 for the Defense Working Capital Funds, as proposed by the Senate, instead of \$502,700,000 as proposed by the House, to be allocated as follows:

[In thousands of dollars]		Conference
War Reserve Stocks—Army	Stocks—Army	\$49,100
Prepositioned (APS-5)		43,000
Spares Augmentation—Army		255,000
Increased Fuel Costs (Defense Working Capital Fund)		37,600
Defense Logistics Agency (DLA) Fuel Distribution—Iraq		107,000

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE
In thousands of dollars

Country	Budget	House	Senate	Conference
Afghanistan	102,900	102,900	102,900	102,900
Uzbekistan	6,000	0	0	0
Tajikistan	20,000	0	10,000	10,000
Turkmenistan	10,000	0	5,000	10,000
Oman	6,000	6,100	4,225	6,100
Pakistan	18,000	18,700	18,700	18,700
Kyrgyzstan	7,100	7,100	5,270	5,270
Kazakhstan	12,000	12,000	6,000	5,000
Iraq	5,000	5,000	0	0
Horn of Africa	5,000	5,000	2,500	2,500
TOTAL	192,800	156,800	154,596	150,470

the authorized United States contribution to NATO to \$345,547,000.
The conferees agree to retain and amend section 1205, as proposed by the House and Senate, which provides that not more than \$22,200,000 may 706 233 be available for support for counter-drug activities of Afghanistan and Pakistan.
The conferees agree to retain and amend section 1206, as proposed by the House and Senate, which provides that during the current fiscal year working capital funds of the Department of Defense may increase the limitation on advance billing to \$1,200,000,000.
The conferees agree to retain section 1207, as proposed by the House and Senate, which provides for an increase in the amount of funds that may be used for the Commander's Emergency Response Program (CERP).
The conferees agree to retain section 1208, as proposed by the House and Senate, which includes a technical change to language regarding use of the Afghanistan Security Forces Fund and the Iraq Security Forces Fund for supervision and administration costs of construction projects that will be completed after fiscal year 2006.
The conferees agree to retain section 1209, as proposed by the House and Senate, which prohibits funds provided in this chapter to finance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.
The conferees agree to retain and amend section 1210, as proposed by the Senate,

Conference
Theater Distribution Center Kuwait (DLA) 25,000
OTHER DEPARTMENT OF DEFENSE PROGRAMS
DEFENSE HEALTH PROGRAM
The conference agreement provides \$1,153,562,000 for the Defense Health Program, as proposed by the House and the Senate, for medical costs related to providing health care for activated reservists and their families, allowing military hospitals to contract for civilian medical staff to backfill deployed active duty medical staff, providing mental health services and medical treatment of mental health conditions, and for other medical-related costs for the Global War on Terror.
The conferees agree that expanding the U.S. prosthetic and orthotic training capacity is an important long-term issue. However, the conferees do not agree to \$20,000,000 within the total to expand the capacity to nine schools accredited by the National Commission on Orthotic and Prosthetic Education as proposed by the House. The conferees encourage the Department to enhance this training in future budget requests.
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE
The conference agreement provides \$150,470,000 for Drug Interdiction and Counter-Drug Activities, Defense instead of \$156,800,000 as proposed by the House, and \$154,596,000 as proposed by the Senate. Adjustments to this account are shown below:

which amends Public Law 109-163 to provide retroactive payments of Death Gratuity benefits for those military members who died on active duty from May 12, 2005 to August 31, 2005.
The conferees agree to retain and amend section 1211, which rescinds a total of \$119,400,000 from funds provided in prior Department of Defense appropriations acts. The conferees include a rescission of \$39,400,000 from “Other Procurement, Air Force”, appropriated in fiscal year 2005/2007. The conferees also include a rescission of \$80,000,000 from “Missile Procurement, Air Force” appropriated in fiscal year 2006/2008.
The conferees agree to retain and amend section 1212, as proposed by the Senate, which directs the Department to continue the Interim Voting Assistance System (IV AS) Ballot Request Program.
The conferees agree to retain section 1213, as proposed by the Senate, which includes Sense of the Senate language that any request for funds after fiscal year 2007 for an ongoing military operation overseas, including operations in Afghanistan and Iraq, should be included in the President's annual budget submission for that fiscal year.
The conferees agree to delete language, as proposed by the Senate, which transfers

funds available for Cooperative Threat Reduction to the "Former Soviet Union Threat Reduction Account".

The conferees do not agree to section 1312 of the Senate bill regarding Federal employee pay when serving as a member of the Uniformed Services or National Guard.

CHAPTER 3

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

The conference agreement provides \$7,800,000 for "Child Survival and Health Programs Fund", instead of \$5,300,000 as recommended by the House and \$10,300,000 as recommended by the Senate.

DEVELOPMENT ASSISTANCE

The conference agreement provides \$16,500,000 for "Development Assistance" in-

stead of \$10,500,000 as proposed by the House and \$22,500,000 as proposed by the Senate.

The conference agreement includes \$6,000,000 for assistance for Guatemala for relief and reconstruction activities related to Hurricane Stan, instead of no funding as proposed by the House and \$12,000,000 as proposed by the Senate.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$161,300,000 for "International Disaster and Famine Assistance" instead of \$136,290,000 as proposed by the House and \$171,290,000 as proposed by the Senate. The conferees agree to provide these funds to meet the highest priority requirements for disaster and famine assistance.

The conference agreement includes the Senate proposal to provide a transfer of \$80,000 to Operating Expenses of the United

States Agency for International Development (USAID).

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

The conference agreement provides \$101,000,000 for "Operating Expenses of the United States Agency for International Development" for expenses in Iraq, Afghanistan and Sudan, instead of \$61,600,000 as proposed by the House and \$141,600,000 as proposed by the Senate.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$1,686,000,000 for the "Economic Support Fund", instead of \$1,584,500,000 as proposed by the House and \$1,757,500,000 as proposed by the Senate.

The conferees agree that the funds provided in this appropriation shall be expended as follows:

Country	Request	House	Senate	Conference
Afghanistan	\$43,000	\$5,000	\$43,000	\$43,000
Iraq	1,489,000	1,489,000	1,489,000	1,485,000
Iran	65,000	0	0	0
Liberia	0	50,000	50,000	50,000
Pakistan	40,500	40,500	40,500	40,500
Jordan	0	0	100,000	50,000
Haiti	0	0	35,000	17,500
TOTAL	1,637,500	1,584,500	1,757,500	1,686,000

The conference agreement includes \$43,000,000 for assistance for Afghanistan as proposed by the Senate, instead of \$5,000,000 as proposed by the House.

The conference agreement includes a proposal by the Senate to provide \$11,000,000 for costs of modifying direct loans and guarantees for Afghanistan and that the costs of modifying such loans should not be considered assistance.

The conference agreement includes a proposal by the Senate to provide \$5,000,000 for agriculture and rural development programs in Afghanistan to be administered through a national consortium of agriculture colleges and land-grant colleges.

The conference agreement includes a proposal by the Senate to amend a provision carried in the Economic Support Fund appropriation of fiscal year 2006 and prior fiscal years.

The conference agreement includes a total of \$1,485,000,000 for assistance for Iraq instead of \$1,489,000,000 as proposed by both the House and the Senate.

Within the amounts provided for Iraq, the conference agreement includes \$50,000,000 for continued support for the USAID Iraq Community Action Program (ICAP) which directly engages Iraqis in democratic decision making to restore basic services and reconstruct their own communities instead of \$10,000,000 as proposed by the House and \$75,000,000 as proposed by the Senate. The conferees agree that significant congressional support for ICAP is due to the fine work that has been achieved by this consortium of nongovernmental organizations committed to making the lives of Iraq's citizens more productive. These funds will enable ICAP to continue functioning at approximately the current level through fiscal year 2006, after which fiscal year 2007 funds will become available.

The conference agreement includes language to transfer \$5,000,000 of the ICAP funds to the Iraq Relief and Reconstruction Fund (IRRF) for the Marla Ruzicka Iraqi War Victims Fund, instead of \$10,000,000 as proposed by the Senate, for assistance to Iraqi civilians who have suffered losses as a result of the military operations.

Within the amounts provided for Iraq, the conference agreement includes \$50,000,000 for

democracy, rule of law, and reconciliation programs, including activities that promote the development of civil society, political parties, election processes and parliament. The Senate addressed this issue in Section 1407 of the bill. The conferees agree that the funds shall be provided to the following organizations in the following amounts:

[In thousands of dollars]

IFES	\$10,000
IREX	3,000
NED	5,000
ADF	8,000
NDI	10,000
IRI	10,000
USIP-Iraq and Afghanistan	4,000

TOTAL 50,000

The conferees expect compliance with the reporting requirements contained in Section 1407(b) of the Senate bill.

The conference agreement includes \$17,500,000 for Haiti instead of no funding as proposed by the House and \$35,000,000 as proposed by the Senate for programs to increase economic opportunities, for police reform, and judicial and legal reforms.

The conference agreement includes a proposal by the Senate requiring that funds made available under this heading for police and judicial reform programs for Haiti be subject to regular notification procedures.

The conference agreement includes \$50,000,000 for assistance for Jordan instead of no funding as proposed by the House and \$100,000,000 as proposed by the Senate.

The conference agreement includes \$40,500,000 for assistance for Pakistan as proposed by the House and the Senate for assistance to meet urgent needs associated with the October 2005 earthquake, including reimbursement of funds previously expended for such purposes.

The conference agreement includes \$50,000,000 for assistance for Liberia as proposed by the House and the Senate. The conferees agree with the language as proposed by the Senate that assistance for Liberia should be for emergency employment activities, infrastructure development projects, democracy, human rights and rule of law programs, and activities to assist with the

demobilization and reintegration of ex-rebel combatants.

The conferees expect compliance with the reporting requirement and the limitation on expenditures with respect to PRTs/PRDCs in Iraq as proposed by the House.

DEPARTMENT OF STATE

DEMOCRACY FUND

The conference agreement includes \$22,500,000 for "Democracy Fund", instead of \$10,000,000 as proposed by the House and \$39,750,000 as proposed by the Senate.

The conference agreement does not include language as proposed by the House that the funds are for the advancement of democracy in Iran.

The conference agreement includes \$20,000,000 for programs and activities promoting democracy in Iran instead of \$10,000,000 as proposed by the House and \$34,750,000 as proposed by the Senate.

The conference agreement provides \$2,500,000 for assistance for the Democratic Republic of the Congo (DRC) instead of no funding as proposed by the House and \$5,000,000 as proposed by the Senate. The conferees agree to provide these funds for immediate electoral assistance and to improve governance and consolidate democracy following the elections this year, the first in the DRC in nearly half a century.

The conference agreement includes a proposal by the Senate that funds available under this heading are available notwithstanding any other provision of law and those funds available to promote democracy in Iran shall be administered by the Middle East Partnership Initiative. The conference agreement includes a modification of this language to require consultation with the Department of State's Bureau of Democracy, Human Rights, and Labor.

The conference agreement includes a proposal by the Senate that funds available under this heading in this Act shall be subject to regular notification procedures.

The conferees expect compliance with reporting requirements and limitation on expenditure of funds with respect to democracy programs in Iran as proposed by the House.

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$107,700,000 for "International Narcotics Control and Law Enforcement", as proposed by both the House and the Senate.

The conference agreement includes language making funds available until September 30, 2008 as proposed by the Senate instead of September 30, 2007 as proposed by the House.

The conference agreement includes language that provides from within funds appropriated under this heading, up to \$13,000,000 for maritime surveillance aircraft for the Colombian Navy, instead of \$26,300,000 as proposed by the House and no funding as proposed by the Senate. The conference agreement also includes language that allows for the transfer of these funds to the "Foreign Military Financing Program" should this provide the most effective means of procuring a maritime patrol aircraft for the Colombian Navy.

The conferees direct the Director of the Defense Security Cooperation Agency and the Deputy Secretary of State, prior to the obligation of the funds for the maritime patrol aircraft, to submit jointly a report to the Committees on Appropriations that describes: (a) an Analysis of Alternatives (AoA) for the acquisition of a maritime patrol aircraft for the Colombian Navy; (b) the source of funds most appropriate for supporting the recommended acquisition strategy (to include the viability of providing a maritime patrol capability through the transfer of excess defense articles); and (c) an assessment of the overall assistance needs of the Colombian Army, Air Force and Navy for fiscal year 2008. The AoA shall include at a minimum: the requirement or mission need for the aircraft to be procured; planned funding for the subject acquisition; cost of alternative aircraft to include mission essential communications, navigation and intelligence equipment; mission capabilities to include range, lift and operational limitations; estimated annual maintenance costs and requirements; and contract or availability limitations.

The conference agreement includes a proposal by the Senate that from within funds appropriated under this heading, \$3,300,000 shall be made available for assistance for the Peace and Justice Unit of the Colombia Fiscalía notwithstanding section 599E of Public Law 109-102. The conferees agree to provide these funds to support criminal investigations and prosecutions related to the demobilization of paramilitary organizations. These funds are in addition to the \$1,700,000 made available in fiscal year 2005 funds that have already been allocated for this purpose.

MIGRATION AND REFUGEE ASSISTANCE

The conference agreement provides \$75,700,000 for "Migration and Refugee Assistance" instead of \$51,200,000 as proposed by the House and \$110,200,000 as proposed by the Senate.

The conference agreement includes the following amounts for the following programs:

[In thousands of dollars]

Afghanistan	\$3,400
Chad/Darfur humanitarian assistance	11,700
Southern Sudan repatriation	12,300
Liberia	13,800
Refugee food aid	12,000
Burma	5,000
Other	17,500
TOTAL	75,700

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

The conference agreement does not include an appropriation for the "United States Emergency Refugee and Migration Assistance Fund" as proposed by the House instead of \$20,000,000 as proposed by the Senate.

DEPARTMENT OF THE TREASURY
INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

The conference agreement includes \$13,000,000 for "International Affairs Technical Assistance" as proposed by both the House and the Senate.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

The conference agreement includes \$178,000,000 for "Peacekeeping Operations" instead of \$173,000,000 as proposed by the House and \$181,200,000 as proposed by the Senate.

The conference agreement does not include language proposed by the House that the appropriation be increased by \$50,000,000.

The conference agreement includes the following amounts for the following programs:

[In thousands of dollars]

	<i>Conference</i>
Contractor logistics support/base operations	\$68,200
Contract military observers	2,300
Security and infrastructure upgrades for AMIS base camps	8,500
Contractor train and equip AMIS battalions	37,000
Global Peace Operations Initiative	57,000
Democratic Republic of the Congo	5,000
Total	178,000

The conference agreement includes \$5,000,000 for training and equipment for the Congolese National Army (FARDC) to improve the capacity of FARDC units that are integrated with United Nations peacekeeping troops to provide effective security. The conferees agree that rebuilding the FARDC into a professional, disciplined force that respects human rights and civilian authority will be essential to stability and peace in the Democratic Republic of the Congo. The conferees direct the Department of State to consult with the Committees on Appropriations prior to the obligation of these funds.

GENERAL PROVISIONS—THIS CHAPTER

Section 1301. Availability of funds—The conference agreement includes a provision similar to that proposed by the House (Sec. 1301) and similar to that proposed by the Senate (Sec. 1403) concerning availability of funds.

Sec. 1302. Iraq Relief and Reconstruction Fund—The conference agreement includes a provision similar to that proposed by the House (Sec. 1304) and the Senate (Sec. 1401) that extends the availability of the IRRF for an additional one year for the purposes of deobligation and re-obligation of funds and provides new "sectoral" allocations for the IRRF.

The conference agreement does not include a provision as proposed House (Sec. 1302) recommending the transfer of \$185,500,000 from funds appropriated to the IRRF to the "Economic Support Fund" contained in this Act.

Sec. 1303. Peacekeeping Operations (Rescission)—The conference agreement includes a provision similar to that proposed by the House (Sec. 1303) to rescind \$7,000,000 of previously appropriated funds.

Sec. 1304. Palestinian Authority—The conference agreement includes a provision similar to that proposed by the Senate (Sec. 1404) and similar to a provision proposed by the House (Sec. 3012) concerning assistance to the Palestinian Authority.

Sec. 1305. Export-Import Bank (Rescission)—The conference agreement includes a provision similar to that proposed by the Senate (Sec. 1405) to rescind \$37,000,000 of previously appropriated funds.

Sec. 1306. Administrative Cost—The conference agreement includes a provision proposed by the Senate (Sec. 1402) stating that the administrative costs of the Department of Defense associated with a construction project funded by the IRRF may be obligated at the time of the contract award and for pre-existing contracts by September 30, 2006, and states that such costs include all in-house government costs.

Democracy in Iraq—The conference agreement does not include a provision proposed by the Senate (Sec. 1407). Instead the conferees agree to provide \$50,000,000 for democracy programs in Iraq within the "Economic Support Fund" in this Act.

Economic Support Fund (Rescission)—The conference agreement does not include a provision proposed by the Senate (Sec. 1408) that rescinded funds previously appropriated for Egypt cash transfer assistance.

TITLE III

GENERAL PROVISIONS AND TECHNICAL CORRECTIONS

Palestinian Authority—The conference agreement does not, in this Title, include a provision proposed by the House (Sec. 3012) and similar to a provision proposed by the Senate (Sec. 1404) contained in Title I, Chapter 4 of the Senate bill. Instead, the conferees agree to address this issue as Sec. 1304 in Title I of this agreement.

Basing Rights in Iraq—The conference agreement does not include a provision proposed by the House (Sec. 3014) that would have prohibited the use of funds to enter into a basing rights agreement between the United States and Iraq.

CHAPTER 4

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES COAST GUARD

OPERATING EXPENSES

The conferees agree to provide \$26,692,000 as proposed by the House and the Senate for the United States Coast Guard's share of enhanced death gratuity benefits and for upgrades to necessary intelligence systems.

CHAPTER 5

DEPARTMENT OF DEFENSE

Use of requested military construction funds to offset border security proposal.—The Office of Management and Budget (OMB) submitted on February 16, 2006, an emergency military construction request for the global war on terrorism totaling \$484,700,000. The projects comprised by that request were deemed urgent and vital to ongoing contingency operations in Iraq and Afghanistan. On May 14, 2006, OMB submitted a border security funding proposal that included offsets from the military construction request submitted in February. Included in this list were three projects at Bagram, Afghanistan, though OMB gave no explanation as to why these projects were no longer deemed emergency requirements. The conferees do not recommend funding for these three projects, since the Administration no longer regards them as priorities. The conferees believe that emergency spending requests must be taken seriously and deserve to be reviewed and acted upon in good faith. Such consideration becomes more difficult, however, when emergency requests are revoked without any

apparent reason related to changing facts on the ground in the theater of operations.

MILITARY CONSTRUCTION, ARMY

The conferees agree to provide \$187,100,000, instead of \$287,100,000 as proposed by the House and \$214,344,000 as proposed by the

Senate. The conferees agree to include a provision as proposed by the House to prohibit the obligation or expenditure of funds for Counter IED/Urban Bypass Roads in Iraq until the Secretary of Defense submits a detailed plan for the construction of such

roads. The Senate bill contained no similar provision. The conferees also agree to make the funds available until September 30, 2007, as proposed by the House, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project description	Amended Request	Conference Agreement
Afghanistan: Bagram	Waste Water Treatment and Distribution System		
Afghanistan: Bagram	Waste Treatment Plant and Distribution System		
Afghanistan: Kabul	Consolidated Compound	30,000,000	30,000,000
Iraq: Al Asad	Airfield Improvements	30,000,000	15,000,000
Iraq: Al Asad	AT/FP Improvements	7,400,000	7,400,000
Iraq: Al Asad	Electrical Infrastructure/Generator Station	8,900,000	8,900,000
Iraq: Camp Tali/Al	Base Perimeter Security Fence	22,000,000	22,000,000
Iraq: Camp Tali/Al	Construct/Replace Roads	5,700,000	5,700,000
Iraq: Camp Tali/Al	Dining Facility	5,100,000	5,100,000
Iraq: Camp Tali/Al	Relocate Cedar II Convoy Support Center	35,000,000	21,000,000
Iraq: Camp Taqaddum	Air Control Tower		
Iraq: LSA Anaconda	Perimeter Security	12,000,000	12,000,000
Iraq: Various Locations	Counter IED/Urban Bypass Roads	167,000,000	50,000,000
Worldwide: Unspecified	Planning and Design	19,500,000	10,000,000
Total		342,600,000	187,100,000

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide \$27,700,000, instead of \$35,600,000 as proposed by the House and \$28,200,000 as proposed by the Senate. The conferees agree to make the funds available until September 30, 2007, as proposed by the House, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project description	Amended Request	Conference Agreement
Afghanistan: Bagram	Bulk Fuel Storage		
Afghanistan: Bagram	Tanker Truck Off-Load Facility	19,600,000	19,600,000
Iraq: Balad	Material Handling Equipment Road	5,800,000	5,300,000
Worldwide: Unspecified	Planning and Design	2,800,000	2,800,000
Total		28,200,000	27,700,000

MILITARY CONSTRUCTION, DEFENSE-WIDE

The conferees agree to provide \$20,600,000, instead of \$35,200,000 as proposed by the Senate. The House bill contained no funding for this account. The conferees agree to make the funds available until September 30, 2007, instead of September 30, 2010, as proposed by the Senate. Funds are provided as follows:

Location	Project Description	Request	Conference Agreement
United Kingdom: Menwith Hill	Uninterruptable Power Supply (UPS) Building	18,600,000	18,600,000
United Kingdom: Menwith Hill	UPS Building—Chilled Water Systems	13,200,000	
Worldwide: Unspecified	Planning and Design	3,400,000	2,000,000
Total		35,200,000	20,600,000

DEPARTMENT OF VETERANS AFFAIRS VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

The conferees have not included \$430,000,000 of contingent emergency appropriations as proposed by the Senate. The House bill contained no similar provision.

GENERAL PROVISIONS—THIS CHAPTER

The conferees have not included a provision proposed by the Senate to prohibit the use of funds in this title to establish permanent United States military bases in Iraq, or to exercise United States control over the oil infrastructure or oil resources of Iraq. The House bill contained no similar provision.

The conferees have not included a provision proposed by the Senate to prohibit the use of funds in this title to establish permanent military bases in Iraq, or to exercise control over the oil infrastructure or oil resources of Iraq. The House bill contained no similar provision.

The conferees have not included a provision, proposed by the House, which would have expanded the use of funds previously appropriated to the Department of Veterans Affairs, Medical Services account. The Senate bill contained no similar provision.

CHAPTER 6

DEPARTMENT OF JUSTICE LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides \$3,000,000 for the United States Attorneys for necessary costs associated with national se-

curity investigations and prosecutions, as proposed by the House and Senate.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$1,000,000 for the United States Marshals Service (USMS), instead of \$1,500,000 as proposed by the Senate and no funding as proposed by the House. The funding is provided for USMS operations in Iraq.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSE

The conference agreement provides \$85,700,000 for the Federal Bureau of Investigation, instead of \$99,000,000 as proposed by the House and \$82,000,000 as proposed by the Senate. Funds are provided for operations in Iraq and Afghanistan and enhanced counterterrorism activities. The recommendation includes language proposed by the House regarding information technology programs.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides \$14,200,000 for the Drug Enforcement Administration (DEA), as proposed by the House and instead of \$5,000,000 as proposed by the Senate. The conference agreement includes \$5,000,000 to create a National Security Section within DEA's intelligence program and \$9,200,000 for intelligence equipment for use in Afghanistan.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

The conference agreement provides \$4,000,000 for the Bureau of Alcohol, Tobacco, Firearms and Explosives, as proposed by the Senate instead of \$4,100,000 as proposed by the House. Funding is provided for ongoing operations in Iraq including firearms and explosives tracking and enforcement.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$1,383,625,000 under this heading for expenses relating to Iraq, Afghanistan, Iran, and Sudan, instead of \$1,380,500,000 as proposed by the House, and \$1,392,600,000 as proposed by the Senate. The agreement includes \$1,327,275,000 for necessary expenses for the operations of the United States Mission in Iraq, including: \$945,853,000 for security-related costs, including equipment, armored vehicles, protective details, common area security improvements and contract support; \$28,956,000 for information technology and country-wide emergency radio connectivity; \$217,720,000 for logistical costs; and \$134,746,000 for the State Department operations in Iraq.

The following table provides details of funding:

State	Request	Conference
Diplomatic & Consular Programs:		
Embassy operations	134,746	134,746
Embassy security related costs	616,078	616,078
Information technology	28,956	28,956
Overhead protection	100,000	100,000
Provincial reconstruction teams (PRT) security	400,000	229,775
Logistics/Life Support (LOGCAP)	217,720	217,720
Total, Iraq Embassy Operations & Security	1,497,500	1,327,275
Office of the Presidential Special Envoy for Sudan		250
Iraq Study Group		1,000
Afghanistan operations & security	50,100	50,100
Public diplomacy programs for Iran	5,000	5,000
Total, D&CP	1,552,600	1,383,625

Within the amounts provided, \$1,000,000 is included for transfer to the United States Institute of Peace for activities relating to Iraq. The Committees on Appropriations expect to be kept regularly informed on expenditures of funds for the Iraq Study Group.

Also, within the amount provided not less than \$250,000 is included for the Office of the Presidential Special Envoy for Sudan. The conferees direct that this Office shall pursue, in conjunction with the African Union and other international actors, a sustainable peace settlement to end the genocide in Darfur, Sudan, assist the parties to the Comprehensive Peace Agreement for Sudan with implementation of the Agreement, coordinate policy, make recommendations, and pursue efforts related to conflict resolution to bring lasting stability to all areas of Sudan and the region, including northern Uganda and Chad, facilitate, in cooperation with the people of Darfur and the African Union, a dialogue within Darfur to promote conflict resolution and reconciliation at the grass roots level, and develop a common policy approach among international partners to address such issues.

Further, the conference agreement includes \$50,100,000 for security requirements in Afghanistan, and \$5,000,000 to expand public diplomacy information programs relating to Iran.

The conferees direct the State Department, no later than 60 days after the date of enactment of this Act, to provide a report to the Committees on Appropriations describing how, within these categories, the Department allocated the funds provided under this heading. The report shall also describe how the Department intends to allocate any remaining balances.

OFFICE OF INSPECTOR GENERAL (INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$25,300,000 under this heading, as proposed by both the House and Senate, of which \$24,000,000 is for the Special Inspector General for Iraq Reconstruction to conduct oversight work on reconstruction projects in Iraq, and \$1,300,000 is for the State Department's oversight work related to operations in Iraq and Afghanistan.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes \$5,000,000 for academic, professional and cultural exchanges with Iran, as proposed by both the House and Senate.

INTERNATIONAL ORGANIZATIONS CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes \$129,800,000, the full amount of which is for the assessed costs of United Nations peacekeeping in Darfur and southern Sudan.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes \$10,274,000 for United States international

broadcasting programs and activities promoting democracy in Iran, instead of \$7,600,000 as proposed by the House and \$30,250,000 as proposed by the Senate.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes \$25,826,000 for capital improvements relating to United States international broadcasting programs and activities promoting democracy in Iran, instead of \$28,500,000 as proposed by the House. The Senate did not include funding under this heading.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement includes language under section 1601 waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

The conference agreement includes language under section 1602 amending provisions of existing legislation regarding annuity limitations on reemployed civil and foreign service annuitants to facilitate the assignment of persons to Iraq and Afghanistan or to posts vacated by members of the foreign service to Iraq and Afghanistan.

The conference agreement includes language under section 1603 providing authorities to equalize allowances, benefits, and gratuities of personnel on official duty in Iraq and Afghanistan.

CHAPTER 7

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

The conferees provide \$1,800,000 for Salaries and Expenses, the same as the House and the Senate. Of this amount, \$1,300,000 is to support the Department's participation as co-lead agency in the Iraq Threat Finance Cell; and \$500,000 is to establish a Deputy Treasury Attaché in Iraq.

TITLE II—FURTHER HURRICANE DISASTER RELIEF AND RECOVERY

CHAPTER 1—DEPARTMENT OF AGRICULTURE

WORKING CAPITAL FUND

The conference agreement provides \$25,000,000 for the Working Capital Fund as proposed by the House and the Senate for necessary expenses of the National Finance Center as a result of Hurricane Katrina.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$445,000 for the Office of the Inspector General in the Department of Agriculture account for audits and investigations related to oversight of hurricane related activities, as proposed by the Senate instead of funding within the Department of Homeland Security account, as proposed by the House.

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

The conference agreement provides \$10,000,000 for the Agricultural Research Service (ARS). Salaries and Expenses, instead of \$15,600,000 as proposed by the Senate.

The conferees recommend \$10,000,000 for expenses incurred by the ARS in the wake of Hurricane Katrina. The conference agreement includes \$6,000,000 for the immediate cleanup, salvage, and remediation of the Southern Regional Research Center (SRRC) in New Orleans, Louisiana. The conference agreement also includes \$4,000,000 for expenses related to temporary duty assignments for ARS scientists working at the SRRC.

BUILDINGS AND FACILITIES

The conference agreement provides \$20,000,000 for the Agricultural Research Service, Buildings and Facilities, for the long-term restoration of the Southern Re-

gional Research Center in New Orleans, Louisiana, as proposed by the House and the Senate.

FARM SERVICE AGENCY

SALARIES AND EXPENSES

The conference agreement does not provide funding for Farm Service Agency. Salaries and Expenses in this Title as proposed by the Senate.

EMERGENCY CONSERVATION PROGRAM

The conference agreement does not provide funding for the Emergency Conservation Program as proposed by the Senate.

NATURAL RESOURCES CONSERVATION SERVICE EMERGENCY WATERSHED PROTECTION PROGRAM

The conference agreement provides \$50,955,000 for the Emergency Watershed Protection Program instead of \$165,000,000 as proposed by the Senate. The conferees direct that funding under this program be prioritized to address watershed impairments that pose imminent threats to life or property.

The conference agreement does not include \$10,000,000 in funding for easements as proposed by the House.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

The conference agreement provides \$1,000,000 for Rural Development, Salaries and Expenses as proposed by the Senate.

RURAL COMMUNITY ADVANCEMENT PROGRAM

The conference agreement provides \$25,000,000 for the Rural Community Advancement

Program instead of \$150,000,000 as proposed by the Senate to respond to damages caused by hurricanes that occurred during the 2005 calendar year. This funding level includes \$20,000,000 for Community Facilities grants and not to exceed \$5,000,000 for Community Facilities loans which can support an estimated loan level up to \$1,389,000,000. The conferees expect unobligated balances remaining in the Community Facilities loan program to be transferred to the grant program should demand for loans not materialize by June 30, 2007.

GENERAL PROVISIONS—THIS CHAPTER

Section 2101.—The conference agreement includes a technical correction related to the Emergency Watershed Protection Program.

Section 2102.—The conference agreement includes language authorizing the Natural Resources Conservation Service to donate of up to 20 aging vehicles through agreements with communities affected by Hurricane Katrina and other hurricanes of the 2005 season.

Section 2103.—The conference agreement includes a provision to extend emergency authorities for an additional 18 months and includes language granting the Secretary of Agriculture temporary authorities for the Community Facilities Grant program.

Section 2104.—The conference agreement includes a provision to allow the transfer of funds from the United States Department of Agriculture to the Department of Commerce.

Section 2105.—The conference agreement includes a technical and conforming change consistent with section 2104.

Senate Section 2106.—The conference agreement does not include funding for rural housing as proposed by the Senate.

Section 2106.—The conference agreement includes language regarding the availability of past year funding for the wildlife habitat incentive program to carry out obligations made for fiscal year 2001.

Section 2109.—Non-competitive contracts for Katrina relief.—The conference agreement does not include section 2109 as proposed by the Senate, a prohibition on entering into non-competitive contracts over

\$500,000, recognizing the nature of emergency response. The conferees direct any agency engaged in Katrina relief, not currently reporting to the Committees on Appropriations on non-competitive contracts, to report quarterly to the Committees detailing any non-competitive contract executed for

Katrina relief that has or will exceed \$500,000.

CHAPTER 2

DEPARTMENT OF DEFENSE—MILITARY

The conference agreement recommends \$1,154,919,000 for the Department of Defense,

instead of \$1,156,593,000 as proposed by the House, and \$1,404,919,000 as proposed by the Senate.

The following table provides details of the supplemental appropriations for the Department of Defense—Military.

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel:			
Military Personnel, Army	2,125	2,125	2,125
Military Personnel, Navy	22,002	22,002	22,002
Military Personnel, Marine Corps	3,992	3,992	3,992
Military Personnel, Air Force	21,610	21,610	21,610
Reserve Personnel, Army	4,071	4,071	4,071
Reserve Personnel, Navy	10,200	10,200	10,200
Reserve Personnel, Marine Corps	2,176	2,176	2,176
Reserve Personnel, Air Force	94	94	94
National Guard Personnel, Army	1,304	1,304	1,304
National Guard Personnel, Air Force	1,408	1,408	1,408
Total Military Personnel	68,982	68,982	68,982
Operation and Maintenance:			
O&M, Navy	29,913	29,913	29,913
O&M, Air Force	37,359	37,359	37,359
O&M, Navy Reserve	12,755	12,755	12,755
O&M, Air Force Reserve	1,277	1,277	1,277
O&M, Army National Guard	42,307	42,307	42,307
Total Operation and Maintenance	123,611	123,611	123,611
Procurement:			
Procurement of Ammunition, Army	700	700	700
Other Procurement, Army	9,136	9,136	9,136
Aircraft Procurement, Navy	579	579	579
Procurement of Ammunition, Navy and Marine Corps	899	899	899
Shipbuilding and Conversion, Navy	775,236	1,025,236	775,236
Other Procurement, Navy	85,040	85,040	85,040
Aircraft Procurement, Air Force	13,000	13,000	13,000
Procurement, Defense-Wide	4,797	2,797	2,797
Total Procurement	889,387	1,137,387	887,387
Research, Development, Test and Evaluation:			
RD&E, Navy	12,000	12,000	12,000
RD&E, Air Force	6,250	6,250	6,250
RD&E, Defense-Wide	730	730	730
Total RD&E	18,980	18,980	18,980
Trust Funds, Revolving and Management Funds:			
Defense Working Capital Funds	1,222	1,222	1,222
National Defense Sealift Fund	10,000	10,000	10,000
Surcharge Collections, Sales of Commissary Stores, Defense	10,530	10,530	10,530
Total Trust and Revolving and Management Funds	21,752	21,752	21,752
Other Department of Defense Programs:			
Defense Health Program	33,881	33,881	33,881
Inspector General		326	326
Total Other Department of Defense Programs	33,881	34,207	34,207
General Provision—Transfer Authority [Non add]	[0]	[75,000]	[150,000]
Grand Total	1,156,593	1,404,919	1,154,919

MILITARY PERSONNEL

The conference agreement recommends \$68,982,000 for the military personnel accounts as proposed by the House and the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Military Personnel, Army:			
Basic Allowance for Housing	2,125	2,125	2,125
Total Military Personnel, Army	2,125	2,125	2,125
Military Personnel, Navy:			
Basic Allowance for Housing	22,002	22,002	22,002
Total Military Personnel, Navy	22,002	22,002	22,002
Military Personnel, Marine Corps:			
Basic Allowance for Housing	3,992	3,992	3,992
Total Military Personnel, Marine Corps	3,992	3,992	3,992
Military Personnel, Air Force:			
Basic Allowance for Housing	21,610	21,610	21,610
Total Military Personnel, Air Force	21,610	21,610	21,610
National Guard Personnel, Army:			
Basic Allowance for Housing	4,071	4,071	4,071
Total National Guard Personnel, Army	4,071	4,071	4,071
Reserve Personnel, Navy:			
Basic Allowance for Housing	10,200	10,200	10,200
Total Reserve Personnel, Navy	10,200	10,200	10,200
Reserve Personnel, Marine Corps:			
Basic Allowance for Housing	2,176	2,176	2,176

[In thousands of dollars]

Account	House	Senate	Conference
Total Reserve Personnel, Marine Corps	2,176	2,176	2,176
Reserve Personnel, Air Force:			
Basic Allowance for Housing	94	94	94
Total Reserve Personnel, Air Force	94	94	94
National Guard Personnel, Army:			
Basic Allowance for Housing	1,304	1,304	1,304
Total National Guard Personnel, Army	1,304	1,304	1,304
National Guard Personnel, Air Force:			
Basic Allowance for Housing	1,408	1,408	1,408
Total National Guard Personnel,	1,408	1,408	1,408
Total Military Personnel	68,982	68,982	68,982

OPERATION AND MAINTENANCE

The conference agreement recommends \$123,611,000 for the operation and maintenance accounts as proposed by the House and the Senate. The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
Operation and Maintenance, Navy:			
Facilities Sustainment, Restoration and Modernization	29,913	29,913	29,913
Total Operation and Maintenance, Navy	29,913	29,913	29,913
Operation and Maintenance, Air Force:			
Equipment Repair and Replacement	22,688	22,688	22,688
Facilities Sustainment, Restoration and Modernization	5,071	5,071	5,071
Personal Property Claims	9,600	9,600	9,600
Total Operation and Maintenance, Air Force	37,359	37,359	37,359
Operation and Maintenance, Navy Reserve:			
Collateral Equipment	2,285	2,285	2,285
Facilities Sustainment, Restoration and Modernization	10,470	10,470	10,470
Total Operation and Maintenance, Navy Reserve	12,755	12,755	12,755
Operation and Maintenance, Air Force Reserve:			
Travel, Per Diem, Other	1,277	1,277	1,277
Total Operation and Maintenance, Air Force Reserve	1,277	1,277	1,277
Operation and Maintenance, Army National Guard:			
Equipment Repair and Replacement	39,878	39,878	39,878
Facilities Sustainment, Restoration and Modernization	2,429	2,429	2,429
Total Operation and Maintenance, Army National Guard	42,307	42,307	42,307
Total Operation and Maintenance	123,611	123,611	123,611

PROCUREMENT

The conference agreement includes a total of \$887,387,000 for various procurement appropriations, instead of \$889,387,000, as proposed by the House, and \$1,137,387,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[in thousands of dollars]

Account	House	Senate	Conference
Procurement of Ammunition, Army:			
Mississippi Ammunition plant repairs	700	700	700
Total Procurement of Ammunition, Army	700	700	700
Other Procurement, Army:			
Information Systems at National Guard Facilities	9,136	9,136	9,136
Total Other Procurement, Army	9,136	9,136	9,136
Aircraft Procurement, Navy:			
Aircraft Industrial Facilities	579	579	579
Total Aircraft Procurement, Navy	579	579	579
Procurement of Ammunition, Navy and Marine Corps:			
5"/54 Ammunition	347	347	347
Intermediate Caliber Ammunition	94	94	94
Other Ship Gun Ammunition	334	334	334
Small Arms and Landing Party Ammunition	124	124	124
Total Procurement of Ammunition, Navy and Marine Corps	899	899	899
Other Procurement, Navy:			
Milcon Support—NAS JRB New Orleans, LA	2,550	2,550	2,550
Milcon Support—NSA New Orleans, LA	600	600	600
Milcon Support—Gulfport, MS	10,350	10,350	10,350
Milcon Support—Stennis Space Center, MS	16,000	16,000	16,000
Base Infrastructure Replacement—Communications	35,052	35,052	35,052
BUPERS IT Systems—SPAWAR Systems Center	2,908	2,908	2,908
Replace IT Systems—SPAWAR Systems Center	8,830	8,830	8,830
Replace RESFOR IT Systems—NSA New Orleans, LA	8,750	8,750	8,750
Total, Other Procurement, Navy	85,040	85,040	85,040
Shipbuilding and Conversion, Navy:			
Overhead and Labor	775,236	1,012,236	775,236
Contractor-Furnished Equipment		13,000	

[in thousands of dollars]

Account	House	Senate	Conference
Total Shipbuilding and Conversion, Navy	775,236	1,025,236	775,236
Aircraft Procurement, Air Force: Other Production Charges	13,000	13,000	13,000
Aircraft Procurement, Air Force	13,000	13,000	13,000
Procurement, Defense-Wide: Special Operations Command	4,797	2,797	2,797
Procurement, Defense-Wide:	4,797	2,797	2,797
Total Procurement	889,387	1,137,387	887,387

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The conference agreement provides a total of \$18,980,000 for research, development, test and evaluation appropriations as proposed by the House and the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

[In thousands of dollars]

Account	House	Senate	Conference
RDT&E, Navy: Littoral Combat Ship	12,000	12,000	12,000
Total RDT&E, Navy	12,000	12,000	12,000
RDT&E, Air Force: Facilities Restoration and Modernization—T&E Support. Test and Evaluation Support Equipment	1,800 4,450	1,800 4,450	1,800 4,450
Facility Restoration			
Total RDT&E, Air Force	6,250	6,250	6,250
RDT&E, Defense-Wide: Classified	730	730	730
Total RDT&E, Defense-Wide	730	730	730
Total RDT&E	18,980	18,980	18,980

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

The conference agreement includes \$1,222,000 for the Defense Working Capital Funds, as proposed by the House and the Senate.

NATIONAL DEFENSE SEALIFT FUND

The conference agreement includes \$10,000,000 for the National Defense Sealift Fund, as proposed by the House and the Senate.

TRUST FUNDS

GENERAL FUND PAYMENT, SURCHARGE COLLECTIONS, SALES OF COMMISSARY STORES, DEFENSE

The conference agreement includes \$10,530,000 for General Fund Payment, Surcharge Collections, Sales of Commissary Stores, Defense, as proposed by the House and the Senate.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

The conference agreement provides \$33,881,000 for the Defense Health Program, as proposed by the House and Senate, for health care costs associated with active duty personnel and beneficiaries who previously received care at Keesler Medical Center and now are receiving health care and pharmaceuticals through private sector contracts.

OFFICE OF THE INSPECTOR GENERAL

The conference agreement provides \$326,000 for the Office of the Inspector General, as proposed by the Senate. The House did not provide funding in this account.

GENERAL PROVISIONS—THIS CHAPTER

The conferees agree to retain and amend section 2201, as proposed by the Senate, which provides the Secretary of Defense authority to transfer up to \$150,000,000 of funds made available in this chapter and in chapter II of title I of this Act.

The conferees agree to retain section 2202, as proposed by the House and Senate, which prohibits funds provided in this chapter to fi-

nance programs or activities denied by Congress, or to initiate a new start program without prior notification to the congressional defense committees.

The conferees agree to amend section 2203, as proposed by the Senate, to allow for the use of funds appropriated to the Navy for certain specified activities.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS—CIVIL

The Committee recommendation provides emergency funding to address water resource needs related to Hurricane Katrina and other emergency needs.

INVESTIGATIONS

Funds totaling \$3,300,000 are provided for the Corps to develop a comprehensive plan, at full Federal expense, to deauthorize deep draft navigation on the Mississippi River-Gulf Outlet, Louisiana. The plan shall include recommended modifications to the existing authorized current use of the Outlet, including what navigation functions, if any, should be maintained and any measures for hurricane and storm protection. The plan shall be developed in consultation with St. Bernard Parish, the State of Louisiana, and affected Federal Agencies. An interim report summarizing the plan shall be forwarded to the appropriate House and Senate authorizing and appropriations committees within six months of enactment of this Act and final recommendations shall be integrated into the Louisiana Coastal Protection and Restoration Plan, due to Congress in December 2007.

Additionally, the Secretary is directed to undertake an analysis to determine the amount of vertical settlement or subsidence that has occurred since levee system components were built, versus levee grade deficiencies due to the application of new storm data. The Plan shall address how these changes affect compliance with 100-year floodplain certification and standard project hurricane requirements. A report on the

findings of this analysis shall be forwarded to the appropriate authorizing and appropriations committees within 90 days of enactment of this Act.

CONSTRUCTION

Funds totaling \$549,400,000 are provided for Construction. The Conferees are aware that the wetlands surrounding the greater New Orleans metropolitan area operate as a natural buffer to lessen storm impacts, and are an important part of the overall storm damage reduction system. Nourishing and rebuilding these wetlands will increase the effectiveness of the levees and floodwalls of New Orleans. Therefore, the Conferees recommend bill language directing the Corps to use \$20,200,000, at full Federal expense, to reduce the risks of storm surge and storm damage to the greater New Orleans metropolitan area by restoring the surrounding wetlands, and to aid in the reduction of risk to both loss of life and damage to homes, businesses, and local infrastructure in the metropolitan area. The Corps is further directed to use these funds in the following manner: \$10,100,000 to modify the Caernarvon Freshwater Diversion structure or its operations; and \$10,100,000 to protect the shoreline along the Barataria Basin Landbridge in Jefferson Parish, Louisiana. Of the funds provided, at least \$495,300,000 shall be available, consistent with cost sharing provisions, to raise levee heights and otherwise improve the existing Lake Pontchartrain and Vicinity and the West Bank and Vicinity projects.

Additional funds of \$1,500,000 are provided to address storm damages to North Padre Island, Texas, caused by Hurricane Emily, and \$2,000,000 is provided for Hawaii water systems technical assistance program.

In recognition of flood threats to the Sacramento area, the Conferees have included \$7,100,000 for South Sacramento Streams, California, and \$23,300,000 for the Sacramento Bank Protection Project, California. The Corps is further directed to use up to \$400,000 of previously appropriated funds to continue the operation of the Chicago Sanitary and Ship Canal Demonstration Barrier.

The moratorium on the execution of project cooperation agreements contained in P.L. 109-275 shall not apply to continuing authorities program projects for which funding was provided, or is otherwise available, to fully fund the construction phase of the project. For those projects where the local sponsor's cost share will be lost due to the inability to sign a project cooperation agreement, the Corps may sign project cooperation agreements with the explicit consent of the House and Senate Committees on Appropriations. For any project for which an exception is made due to this circumstance, the local sponsors of such projects should be aware that the construction of the project remains contingent upon future appropriations which are not guaranteed.

Further, requirement that the Corps institute cost sharing for Sections 206 and 1135 projects was not intended to change the cost share structure of projects currently in the feasibility phase.

OPERATION MAINTENANCE

Funds totaling \$3,200,000 are provided to restore Federal navigation channels and harbors along the Texas Gulf Coast to pre-storm conditions affected by Hurricane Katrina and other hurricanes of the 2005 season.

FLOOD CONTROL AND COASTAL EMERGENCIES

(INCLUDING RESCISSION OF FUNDS)

Funds totaling \$3,145,024,000 are recommended to continue repairs to flood and storm damage reduction projects. These projects are to be funded at full Federal expense.

The Conferees provide the full request of \$1,584,000,000 to replace all floodwalls within Orleans East Bank Algiers, Jefferson East Bank/St. Charles, Jefferson West Bank, New Orleans East, St. Bernard/Lower Ninth Ward, Belle Chasse/Algiers East hydraulic areas of the existing Lake Pontchartrain and Vicinity project and the existing West Bank and Vicinity project, not including lower Plaquemines Parish. However, the Conferees recognize this cost estimate is a "worst case" scenario and assumes the replacement of all flood walls. Therefore, the funds provided are contingent upon site-specific engineering assessment and analysis that determines replacement is necessary to maintain the integrity of the system. Further, these funds are not available for any other project, program, or activity without the approval of the House and Senate Committees on Appropriations.

The Conferees provide \$530,000,000 for construction of permanent closures and pumping plants at the 17th Street, Orleans, and London Avenue Canals. Further, the Corps is directed to provide adequate temporary pumping capacity to evacuate expected flows from the existing pumping stations in the three drainage canals in order to minimize interior flooding.

Additionally, the Conferees include: \$170,000,000 for levee and floodwall armoring; \$350,000,000 to construct navigable closures on the Inner Harbor Navigational Canal, one near Seabrook and another on the Gulf Intracoastal Waterway; \$215,000,000 for incorporation of non-Federal levees on the west bank of the Mississippi River in Plaquemines Parish in order to provide improved storm surge protection and to protect evacuation routes; \$250,000,000 for storm proofing interior pump stations to ensure their reliability during hurricanes, storms and high water events; and \$30,024,000 for repairs to non-Federal levees in Terrebonne Parish.

Within the funds provided, \$16,000,000 shall be used to restore previously appropriated emergency funds for flood protection projects damaged in previous disasters in

Pennsylvania. Funds for these projects were withdrawn shortly after Katrina struck the Gulf Coast to address immediate needs.

The Conferees also rescind \$15,000,000 previously provided in P.L. 109-148 for the Grand Isle, Louisiana project. It is the Conferees' understanding that the project is not economically justified and therefore the funds appropriated to accelerate construction are no longer required.

DEPARTMENT OF THE INTERIOR BUREAU OF RECLAMATION WATER AND RELATED RESOURCES

The Conferees recognize that snowpack amounts in many areas of the Southwest are at historic lows and precipitation forecasts are not favorable for improving the situation. Runoff in many river basins in the West is expected to be one quarter of normal or less. The Conferees note that the communities of Ruidoso, Ruidoso Downs and Las Vegas, New Mexico, are already operating under stringent water restrictions.

Therefore, the Conferees have provided \$9,000,000 for drought emergency assistance. The Conferees expect Reclamation to undertake drought contingency planning, to provide emergency potable water sources for eligible communities and to provide other drought emergency assistance within their authorities to help stricken communities.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The conference agreement includes a provision related to the use of unexpended funds and waives the requirements of the Uniform Relocation Assistance and Real Property Act.

Sec. 2302. The conference agreement includes a provision that states that the funds provided in division B, chapter 3, Investigations, of Public Law 109-148 are not subject to any non-Federal cost sharing requirement and changes the amount contingent upon the enactment of a single levee board.

Sec. 2303. The conference agreement includes a provision that further defines the activities that can be undertaken in division B, chapter 3, Flood Control, Mississippi River and Tributaries, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, of Public Law 109-148.

Sec. 2304. The conference agreement includes a provision that modifies a provision in division B, chapter 3, Operations and Maintenance, of Public Law 109-148, concerning activities that can be undertaken along the Mississippi River-Gulf Outlet.

Sec. 2305. The conference agreement includes a provision to extend the duration of the National Erosion Control Development and Demonstration Program through September 30, 2006, and increase the cost limitation to \$25,000,000 for section 227 of Public Law 104-303 in order to allow funds appropriated in the fiscal year 2006 Energy and Water Development Appropriations Act to be utilized for continuing projects.

Sec. 2306. The conference agreement includes a provision extending the Drought Relief Act through 2010.

Sec. 2307. The conference agreement includes a provision clarifying the availability of funds for the purposes of reprogramming actions.

Sec. 2308. The conference agreement includes a provision that prohibits the use of any funds in fiscal year 2006 through April 1, 2007 to affect bond repayment.

Sec. 2309. The conference agreement includes a provision relating to the Chicago Sanitary and Ship Canal Demonstration Barrier.

CHAPTER 4—DEPARTMENT OF HOMELAND SECURITY

OFFICE OF INSPECTOR GENERAL

The conferees agree to provide \$2,000,000 for the Department of Homeland Security's In-

spector General instead of \$13,500,000 as proposed by the House for transfer to other federal departments and agencies and no funds as proposed by the Senate. Funds are available until September 30, 2007. Funding for federal departments and agencies is addressed in other chapters of this conference agreement.

CUSTOMS AND BORDER PROTECTION SALARIES AND EXPENSES

The conferees agree to provide \$12,900,000 as proposed by the House and the Senate for necessary expenses related to the consequences of the Gulf Coast hurricanes.

CONSTRUCTION

The conferees agree to provide \$4,800,000 as proposed by the House and the Senate for necessary expenses related to the consequences of the Gulf Coast hurricanes.

UNITED STATES COAST GUARD OPERATING EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

The conferees agree to provide \$88,970,000 instead of \$14,300,000 as proposed by the House and \$90,570,900 as proposed by the Senate. Of this total, \$7,350,000 is for cleanup and repair of damaged facilities; \$7,400,000 for increased temporary logistics; \$3,483,000 for basic housing allowances; and \$70,000,000 for energy costs. In addition, the conferees have included bill language allowing transfers of up to \$267,000 to the "Environmental Compliance and Restoration" appropriation for Coast Guard facilities in the Gulf Coast region and \$470,000 to the "Research, Development, Test, and Evaluation" appropriation for additional costs to reposition the State of Maine vessel. Funds are available until September 30, 2007.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

The conferees agree to provide \$191,730,000 instead of \$80,775,000 as proposed by the House and \$191,844,000 as proposed by the Senate. Of this total, \$80,800,000 is for the reconstruction of the Integrated Support Command Center in New Orleans; \$103,930,000 is for Katrina-related costs associated with materials, equipment, facilities and labor; and \$7,000,000 is for the relocation of the Gulfport Coast Guard Station. The conferees direct the Coast Guard to ensure that the Defense Contract Audit Agency audits Katrina-related cost increases associated with pre-Katrina contracts. Funds are available until expended.

FEDERAL EMERGENCY MANAGEMENT AGENCY ADMINISTRATIVE AND REGIONAL OPERATIONS

The conferees agree to provide \$71,800,000 as proposed by the Senate instead of \$70,000,000 as proposed by the House. Of this total, \$70,000,000 is included for necessary expenses related to the consequences of the Gulf Coast hurricanes and \$1,800,000 is included for the Office of National Security Coordination.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

The conferees agree to provide \$10,000,000 for Preparedness, Mitigation, Response, and Recovery, as proposed by the House and the Senate. Of this total, \$3,000,000 is included to immediately review and revise the National Response Plan (NRP) and the National Incident Management System (NIMS); \$1,000,000 for the logistics management system; and \$1,000,000 for the Enterprise Content Management System. FEMA is to brief the House and Senate Committees on Appropriations no later than 45 days from the date of enactment of this Act on the hiring initiatives to meet its staffing requirements and its staffing plan.

DISASTER RELIEF

The conferees agree to provide \$6,000,000,000 for Disaster Relief, instead of \$9,548,000,000 as

proposed by the House and \$10,400,000,000 as proposed by the Senate. The conferees do not specify the purposes for these funds, except \$400,000,000 of this amount is made available to carry out section 2403 of this chapter.

The conferees agree to include bill language proposed by the Senate that each county or parish eligible for assistance under the disaster declaration of September 24, 2005, will be treated equally for purposes of cost-share adjustments.

The conferees note the Department of Homeland Security (DHS), in conjunction with the Federal Emergency Management Agency (FEMA), recently issued interim policy guidance clarifying that charter schools are eligible for FEMA's Public Assistance Program. The conferees believe this policy should be quickly finalized so it can be distributed to FEMA officials throughout the country as expeditiously as possible, and encourage DHS and FEMA to continue working with the relevant Congressional committees on implementation of this policy.

The conferees concur with language proposed by the House regarding the weekly Disaster Relief Report and the lack of information regarding the assumptions DHS is using to estimate total disaster relief funding needed this fiscal year. Beginning immediately, the conferees direct DHS to include an explanation of the methodology used to calculate estimated yearly allocations by program area and program name. This explanation shall include the total yearly cost estimate, the amount allocated and obligated to date, and a written explanation of the assumptions and methodology used to estimate the total yearly cost.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

The conferees agree to provide \$279,800,000 to subsidize not to exceed \$371,733,000 in loans for the Special Community Disaster Loans Program authorized in the Community Disaster Loan Act of 2005, P.L. 109-88, instead of \$301,000,000 (\$150,000,000 by transfer) as proposed by the House and \$301,000,000 as proposed by the Senate. Of this total, \$1,000,000 is included for administrative costs. The conferees include bill language proposed by the Senate specifying that loans may be equal to not more than 50 percent of the annual operating budget of the local government in cases where that government has suffered a loss of 25 percent or more in tax revenues due to Hurricanes Katrina or Rita.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2401. The conferees agree to include bill language as proposed by the House and Senate authorizing FEMA to pay for utility costs for those leases negotiated by State and local governments on FEMA's behalf.

Sec. 2402. The conferees agree to include bill language as proposed by the House and Senate amending P.L. 109-90 to allow the National Flood Insurance Fund to pay sufficient interest on the amounts the program has borrowed from the Treasury.

Sec. 2403. The conferees agree to include and modify bill language as proposed by the Senate allowing the Secretary of Homeland Security to consider eligible for funding the costs of alternative housing pilot programs in the areas hardest hit by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 5

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE CONSTRUCTION

The conference agreement provides \$132,400,000 for "Construction", as proposed by both the House and the Senate, for cleanup and facility repair needs at National

Wildlife Refuges related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season. The managers agree that the Service shall, as proposed by the House, repay funds that were transferred from projects that have yet to be completed. These funds were transferred on an emergency basis for initial hurricane response needs and must be repaid so that projects from which they were borrowed can be completed. A technical correction has been made to the repayment language proposed by the House.

NATIONAL PARK SERVICE HISTORIC PRESERVATION FUND

The conference agreement provides \$43,000,000 for the "Historic Preservation Fund" instead of \$3,000,000 as proposed by the House and \$83,000,000 as proposed by the Senate. Of the funds provided, \$3,000,000 is for Section 106 assistance and \$40,000,000 is for disaster relief grants for the preservation, stabilization, rehabilitation, and repair of historic properties listed on or eligible for the National Register of Historic Places, and for planning and technical assistance.

These funds are available for obligation until September 30, 2007, as proposed by the House, instead of being available until expended as proposed by the Senate.

As proposed by the Senate, funds for historic preservation grants are available for areas with a Presidential disaster determination associated with Hurricanes Katrina or Rita; are not subject to a non-Federal matching requirement; and no more than 5% may be used for administrative expenses.

The managers expect the National Park Service to award the Section 106 assistance funds to the States without any delay. Of the \$3,000,000 available for Section 106 assistance, at least \$1,500,000 shall be available for the Mississippi State Historic Preservation Officer. The remaining \$40,000,000 is for grants to State Historic Preservation Officers (SHPOs) as described below.

The managers expect the National Park Service to award disaster relief grant funds to SHPOs in accordance with existing Historic Preservation Fund policies and procedures, except as modified herein, and only after a State has submitted, and the National Park Service has reviewed, an Action Plan Narrative that describes the major tasks to be undertaken with the supplemental grant funds. Each task statement shall describe the major services provided by the State Historic Preservation Officer, the problems to be addressed, a preliminary list of proposed projects and their estimated costs, and the expected results.

The National Park Service shall undertake its review of each plan and shall award funds as expeditiously as possible. Preference in making awards shall be given to plans that include: (1) properties located within designated National Heritage Areas; (2) owner-occupied houses; and (3) a demonstrated ability to spend the funds expeditiously. The managers intend that these funds be awarded with an emphasis on individuals who are committed to rebuilding their communities and who otherwise cannot afford the additional costs often associated with historic preservation.

No State shall receive more than 65% of the total available for these grants. There is a 5% limitation on administrative costs. Of the amount available for administrative expenses, up to \$550,000 is available to the National Park Service to expedite awarding and oversight of the funds.

CONSTRUCTION

The conference agreement provides \$55,400,000 for "Construction", as proposed by both the House and the Senate, for imme-

diately cleanup and facility repair needs at National Parks related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH (INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$10,200,000 for "Surveys, Investigations, and Research", as proposed by both the House and the Senate, for facility and equipment repair needs related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season and for repayment of advances to other appropriation accounts from which funds were transferred for such purposes.

MINERALS MANAGEMENT SERVICE ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement provides \$15,000,000 for "Royalty and Offshore Minerals Management" as proposed by both the House and the Senate. These funds are for costs associated with the temporary relocation of the Minerals Management Service's Gulf of Mexico regional office from Louisiana to Houston, Texas, including purchase of new equipment and temporary office arrangements, other disaster related expenses, and repayment of advances to other appropriation accounts from which funds were transferred for such purposes.

ENVIRONMENTAL PROTECTION AGENCY ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conference agreement provides \$6,000,000 for "Environmental Programs and Management", as proposed by both the House and the Senate, for increased environmental monitoring, assessment, and analytical support necessary to protect public health during the ongoing recovery and reconstruction efforts related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

The conference agreement provides \$7,000,000 for the "Leaking Underground Storage Tank Program", as proposed by both the House and the Senate, to assess the most immediate underground storage tank needs in areas affected by Hurricane Katrina and other hurricanes of the 2005 season and to initiate appropriate corrective actions.

DEPARTMENT OF AGRICULTURE FOREST SERVICE

NATIONAL FOREST SYSTEM

The conference agreement provides \$20,000,000 for the "National Forest System" as proposed by the House instead of \$50,000,000 as proposed by the Senate. As proposed by the House, these funds are only for necessary expenses of debris cleanup and related activities on National Forests affected by Hurricane Katrina and other hurricanes of the 2005 season.

CHAPTER 6

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes \$16,000,000 for the reconstruction of two Job Corps facilities in Gulfport, Mississippi and New Orleans, Louisiana. The Senate had proposed \$32,000,000 and the House had no similar provision. The conferees instruct the Department to allocate \$14,000,000 to the Gulfport facility and \$2,000,000 to the New Orleans facility for repairs and rehabilitation of damage due to Hurricane Katrina.

DEPARTMENTAL MANAGEMENT
OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided \$2,000,000 to the Department of Labor, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES
ADMINISTRATION

The conference agreement includes \$4,000,000 to establish a communications network, including the purchase and operation of communications equipment, including satellite phones, for community health centers and those entities (including major medical centers and departments of public health) deemed by the state associations of community health centers to be critical in providing health care in the event of a future hurricane or other natural disaster in states affected by hurricane Katrina and other hurricanes of the 2005 season. Where they exist, state associations representing community health centers should be the primary recipient of these funds. The conferees expect this funding to be distributed by July 30, 2006 so that these systems can be in place as early as possible in the hurricane season. The Senate included \$6,000,000 for this purpose. The House did not propose a similar provision.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

The conference agreement includes \$8,000,000 for mosquito and other pest abatement activities in states affected by the Gulf Coast hurricanes of 2005. The Senate bill proposed \$20,000,000 and the House did not propose a similar provision. The conferees intend that these funds be distributed as grants to the eligible states and not be subject to the provisions of the Mosquito Abatement for Safety and Health (MASH) Act.

OFFICE OF THE SECRETARY

OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided \$2,669,846 to the Department of Health and Human Services, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

DEPARTMENT OF EDUCATION

DEPARTMENTAL MANAGEMENT
OFFICE OF THE INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that pro-

vided \$1,500,000 to the Department of Education, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

HURRICANE EDUCATION RECOVERY

The conference agreement includes \$235,000,000 in additional assistance for displaced elementary and secondary school students for the 2005-2006 school year under the authority of the Hurricane Education Recovery Act. The Senate bill proposed \$300,000,000 for this activity. The House bill had no similar provision.

The conference agreement does not include funding for schools serving displaced elementary and secondary school students in the 2006-2007 school year under the authority of part A of Title V of the Elementary and Secondary Education Act. The Senate bill proposed \$350,000,000 for this activity. The House bill had no similar provision.

The conference agreement deletes a provision proposed by the Senate to create a loan program for institutions of higher education that were affected by the Gulf hurricanes. The House bill contained no similar provision.

The conference agreement includes \$50,000,000 for grants to institutions of higher education to help defray the expenses incurred as a result of the Gulf hurricanes of 2005. The House bill contained no similar provision and the Senate bill included \$30,000,000 for a similar purpose. The conferees request that the Department brief the House and Senate Committees on Appropriations not later than five days before the announcement of the availability of these funds.

RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS,
OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes \$10,000,000 for the AmeriCorps National Civilian Community Corps. The Senate bill included \$20,000,000 for this purpose. The House bill contained no similar provision.

SOCIAL SECURITY ADMINISTRATION

OFFICE OF INSPECTOR GENERAL

The conference agreement does not include a provision proposed by the Senate that provided \$277,000 to the Social Security Administration, Office of Inspector General, for hurricane-related expenses. The House bill did not include a similar provision.

GENERAL PROVISIONS—THIS CHAPTER

DEPARTMENT OF EDUCATION—HURRICANE
EDUCATION RECOVERY

The conference agreement deletes a provision proposed by the Senate to create a new loan program for institutions of higher education that were affected by the Gulf hurricanes. Funds are instead provided through a grant mechanism.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY
CAPITAL FINANCING PROGRAM

The conference agreement modifies a provision included by the Senate related to the Historically Black College and University Capital Financing Program. The House bill did not include a similar provision.

SUPPLEMENTAL ELEMENTARY-SECONDARY
FUNDS OBLIGATION EXTENSION

The conference agreement includes bill language that extends the period of time States and local school districts have to spend funds made available under section 107 of the Hurricane Education Recovery Act. Neither House nor Senate bill included a similar provision. This provision provides the Secretary of Education with the authority to extend the period of availability of such funds up to September 30, 2006, provided that such expenditures are for the 2005-2006 school year as is required by the Hurricane Education Recovery Act.

USE OF SUPPLEMENTAL HIGHER EDUCATION ACT
FUNDS

The conference agreement includes a provision proposed by the Senate regarding funding for the Mississippi Institutes of Higher Learning. The House bill did not include a similar provision.

SOCIAL SECURITY ADMINISTRATION

(TRANSFER OF FUNDS)

The conference agreement includes a provision proposed by the Senate transferring \$38,000,000 from the Disaster Relief funds of the Federal Emergency Management Agency to the Social Security Administration for hurricane-related expenses. The House bill did not include a similar provision.

CHAPTER 7

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE
CORPS

The conferees agree to provide \$44,770,000 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: Bay St. Louis	Seclusion Berthing	3,240,000	3,240,000
MS: NCBC Gulfport	Fitness Center	32,800,000	24,140,000
MS: NCBC Gulfport	Navy Exchange Complex and NEX/MWR Cold Storage Facilities	15,890,000	15,890,000
Worldwide: Unspecified	Planning and Design	1,500,000	1,500,000
Total		53,430,000	44,770,000

MILITARY CONSTRUCTION, AIR FORCE

The conferees agree to provide \$97,300,000 as proposed by the House, instead of \$103,500,000 as proposed by the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: Keesler AFB	Base Exchange	40,000,000	40,000,000
MS: Keesler AFB	Consolidated Aircraft Maintenance Facility	29,000,000	29,000,000
MS: Keesler AFB	Fire Cash Rescue Station	19,600,000	19,600,000
MS: Keesler AFB	Library	5,500,000	5,500,000
Worldwide: Unspecified	Planning and Design	17,140,000	3,200,000
Total		111,240,000	97,300,000

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD
(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide \$330,071,000, instead of \$67,800,000 as proposed by the House and \$210,071,000 as proposed by the Senate. The conferees agree to rescind \$120,000,000 from Public Law 109–148 and provide the same amount in this chapter to be used for the same purpose and projects as those identified in the conference report accompanying Public Law 109–148. Funds are provided as follows:

Location	Project description	Request	Conference agreement
LA: Hammond	Army Aviation Support Facility	67,800,000	67,800,000
LA: Jackson Barracks	Joint Forces HQs/USPFO	84,200,000	84,200,000
LA: Jackson Barracks	Readiness Center	51,600,000	51,600,000
Worldwide: Unspecified	Planning and Design	6,471,000	6,471,000
Worldwide: Various Locations	Projects provided in P.L. 109–148		120,000,000
Total		210,071,000	330,071,000

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

The conferees agree to provide \$5,800,000 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
MS: CRTC Gulfport	Upgrade Storm Water System	600,000	600,000
MS: Key Field	Replace Medical Training Facility	4,700,000	4,700,000
Worldwide: Unspecified	Planning and Design	500,000	500,000
Total		5,800,000	5,800,000

MILITARY CONSTRUCTION, NAVY RESERVE
(INCLUDING RESCISSION OF FUNDS)

The conferees agree to provide \$24,270,000 as proposed by both the House and the Senate. The conferees also agree to rescind \$49,530,000 from Public Law 109–148 as proposed by both the House and the Senate. Funds are provided as follows:

Location	Project description	Request	Conference agreement
LA: NAS/IRB New Orleans	Command and Control Center	3,610,000	3,610,000
LA: NAS/IRB New Orleans	Crash/Fire/Rescue Station	7,360,000	7,360,000
LA: NAS/IRB New Orleans	Public Works Complex	12,600,000	12,600,000
Worldwide: Unspecified	Planning and Design	700,000	700,000
Total		24,270,000	24,270,000

DEPARTMENT OF VETERANS AFFAIRS
DEPARTMENTAL ADMINISTRATION
CONSTRUCTION, MAJOR PROJECTS

The conferees agree to provide \$585,919,000 for Construction, Major Projects, instead of \$550,000,000 as proposed by the House and \$623,000,000 as proposed by the Senate. The conferees agree that the funding provided includes \$550,000,000 for construction of a medical facility in New Orleans, Louisiana. In addition, \$35,919,000 is provided for debris removal and environmental clean-up of the former Department of Veterans Affairs Medical Center in Gulfport, Mississippi, and for any authorized purpose within this account.

In a report issued to Congress on February 28, 2006, the Department of Veterans Affairs identified its preference to rebuild the medical center in New Orleans as a “shared facility” with its academic partners. The conferees are supportive of this effort and encourage the Department to continue to work with its affiliates to develop the shared facility concept. However, the conferees caution the Department not to enter into any agreement in which it pays for more than its share in the name of collaboration.

RELATED AGENCY
ARMED FORCES RETIREMENT HOME

The conferees agree to provide \$176,000,000 for construction of a new facility in Gulfport, Mississippi, as proposed by the Senate. The House bill contained no similar provision. The conferees note that cost estimates provided in a report to Congress on February 28, 2006, included significant expenses which should not be incurred for construction of a facility of this type and have adjusted the funding accordingly. The conferees have also included a general provision which consolidates \$64,700,000 of previously appropriated funding which is to be used for this construction project. The conferees believe that the total funding available is sufficient to build a new replacement facility, fully compliant with all relevant laws, regulations, and

standards for a retirement domicile, on the existing site in Gulfport, Mississippi.

GENERAL PROVISIONS—THIS CHAPTER
(INCLUDING RESCISSION AND TRANSFER OF FUNDS)

The conferees agree to include a provision (Sec. 2701), as proposed by the Senate, to waive a Federal funding limit on Guard and Reserve military construction projects appropriated in this chapter. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2702), as proposed by the Senate, which allows funds previously appropriated for the Department of Veterans Affairs, Medical Services account, to be transferred to other accounts upon notification to the Committees on Appropriations of both Houses of Congress. The provision also extends the availability of the funds beyond the current fiscal year. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2703), as proposed by the Senate, which directs the Secretary of the Department of Veterans Affairs to clean up and transfer property in Gulfport, Mississippi, to the city of Gulfport, Mississippi. The House bill contained no similar provision.

The conferees have not included a provision, as proposed by the Senate, which would authorize site acquisition and construction of medical facilities in New Orleans, Louisiana, and Biloxi, Mississippi. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 2704) which consolidates unobligated balances of the Armed Forces Retirement Home, to be used for the planning, design, and construction of a new facility in Gulfport, Mississippi, as proposed by the Senate. The conferees have modified the Senate proviso to this provision which designates the General Services Administration, in consultation with the Naval Facilities Engineering Command and the Armed Forces Retirement Home, as the agent for all matters

with regard to planning, design, construction, and contract administration. The House bill contained no similar provision.

CHAPTER 8
DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES
SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement provides \$2,000,000 for General Legal Activities, as proposed by the House instead of \$3,200,000 as proposed by the Senate. Funding is provided for the Criminal Division and Civil Division for expenses to investigate and prosecute fraud cases related to hurricanes in the Gulf Coast region.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement provides \$6,500,000 for United States Attorneys as proposed by the Senate instead of \$5,000,000 as proposed by the House. Funding is provided for expenses to investigate and prosecute fraud cases related to hurricanes in the Gulf Coast region.

DEPARTMENT OF COMMERCE
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
OPERATIONS, RESEARCH, AND FACILITIES

The conference agreement provides \$118,000,000 under this heading, instead of no funding as proposed by the House and \$1,135,000,000 as proposed by the Senate. In addition to the amount provided under this heading, language is included in chapter one of this title to transfer \$38,000,000 from the United States Department of Agriculture to NOAA for reseeded, rehabilitation and restoration of oyster reefs.

The conferees remain concerned about the ongoing recovery efforts in the Gulf of Mexico and the previous lack of attention given to the critical need for mapping the Gulf waters for debris removal. In the wake of the

numerous hurricanes of 2005, which greatly disrupted the water in the Gulf of Mexico, all previous mappings of those waters are now inaccurate. To date the only areas within the Gulf of Mexico that have been remapped are the vessel channels to allow for safe passage of ships traveling through the many ports along the Gulf. The remainder of the Gulf of Mexico must also be mapped beginning with traditional fishing grounds in order to remove debris and begin the process of surveying stocks and reestablishing this element of the economy. Mapping and debris removal is a critical safety and security precaution necessary to prevent catastrophic accidents from occurring during the upcoming fishing and boating season.

The conference agreement provides \$20,000,000 for the Office of Coast Survey to conduct scanning and mapping and coordinate with the Office of Response and Restoration for marine debris removal; \$2,000,000 for the Center for Operational Oceanographic Products and Services to establish Physical Oceanographic Real-Time Systems along the Gulf of Mexico; \$1,000,000 for the Center for Operational Oceanographic Products and Services to repair and replace tide gauge stations in the northern Gulf of Mexico; \$90,000,000 for the National Marine Fisheries Service to provide technical assistance to States and industry for oyster bed and shrimp ground rehabilitation and to undertake cooperative research to monitor the recovery of Gulf fisheries; and not to exceed \$5,000,000 to assist fishermen to recover from severe economic impacts due to fisheries disasters declared in 2005.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

The conference agreement provides \$32,000,000 under this heading as proposed by the Senate, instead of \$11,800,000 as proposed by the House.

The conference agreement provides \$20,000,000 for the National Marine Fisheries Service to complete the repair and reconstruction of the NOAA science center.

The conference agreement also provides \$12,000,000 for the Office of Marine and Aviation Operations to procure a replacement emergency response mapping aircraft and sensor package to continue NOAA's capability to provide information about hurricane damage.

SCIENCE

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

EXPLORATION CAPABILITIES

The conference agreement provides \$35,000,000 for repair and rehabilitation requirements at the Stennis Space Center and the Michoud Assembly Facility related to the consequences of hurricanes of the 2005 season.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION DISASTER LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$542,000,000 for additional lending authority for the Small Business Administration's (SBA) disaster loan program, as proposed by the House and the Senate (excluding a transfer provision contained in both bills).

The conferees remain concerned about fluctuations in SBA's disaster lending subsidy estimates and will continue to monitor lending activity and expenditures. The conferees expect the SBA to provide weekly reports to the House and Senate Committees on Appropriations, the Senate Committee on Small Business and Entrepreneurship, and the House Committee on Small Business containing the following information on all open disaster declarations: number of loan

applications received; number and amount of loans approved, denied, and disbursed; loan subsidy obligations; and the costs associated with administering the loan program (including salaries, travel, and information systems).

In light of the National Oceanic and Atmospheric Administration's prediction of a very active hurricane season for 2006, the conferees expect the SBA to build on the lessons learned from responding to numerous hurricanes during the 2005 season to ensure that the agency is better prepared for future disasters. The conferees expect that, no later than July 15, 2006, SBA shall submit to the House and Senate Committees on Appropriations, the Senate Committee on Small Business and Entrepreneurship, and the House Committee on Small Business a report on the status of the disaster response plan for the 2006 Atlantic hurricane season.

CHAPTER 9

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

The conferees agree to House and Senate language preventing the Secretary from issuing a final rule regarding foreign control of U.S. airlines for 120 days.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

The conferees agree to provide \$702,362,500 for the Emergency Relief Program, instead of \$594,000,000 as proposed by the Senate. The conferees direct that funds shall be used for eligible projects identified under "Formal Requests" in the Federal Highway Administration table entitled "Emergency Relief Program Fund Requests—updated 06/06/06" with the exception of projects addressed in other provisions of this Act making amendments to Public Law 109-148 and otherwise funded in other appropriations Acts. The conferees include language that waives the \$100,000,000 per State per disaster cap for damages caused by Hurricane Dennis and by the 2004-2005 winter storms in the State of California and provides that any excess amounts may be used for other eligible projects.

(HIGHWAY TRUST FUND)

(RESCISSION)

The conference agreement includes a rescission of \$702,362,500 of the unobligated balances of funds apportioned to the states under chapter 1 of title 23, United States Code, excluding safety programs and funds set aside within the state for population areas. The conferees direct the FHWA to administer the rescission by allowing each state maximum flexibility in making adjustments among the apportioned highway programs.

FEDERAL TRANSIT ADMINISTRATION

EMERGENCY ASSISTANCE FOR PUBLIC TRANSPORTATION

The conference agreement does not include \$200,000,000 for emergency assistance for public transportation, as proposed by the Senate. The conference agreement includes provisions proposed by the Senate waiving the state funding match requirement and allowing funds to be used for operations as a general provision. The conferees did not agree to include a provision waiving other grant requirements as proposed by the Senate. The House did not include funds or recommend waivers.

The conferees note that the City of Baton Rouge has absorbed a very large number of citizens as a result of Hurricane Katrina resulting in a significant boost in the demand for transit services. The conferees recognize the community of Baton Rouge as having

been directly impacted by Hurricane Katrina for the purpose of these transit waivers.

FEDERAL RAILROAD ADMINISTRATION

CAPITAL GRANTS FOR RAIL LINE RELOCATION

The conferees do not agree to provide \$700,000,000 for capital grants for rail line relocation or make other amendments to title 49, United States Code, as proposed by the Senate.

RAILROAD RESEARCH AND DEVELOPMENT

The conferees agree to report language, as proposed by the Senate, expecting that funds previously appropriated for the Deployment of Safety Overlay Technology shall be allocated for the purpose of deploying train control technology for which the Federal Railroad Administration is currently considering a product safety plan.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

The conferees do not agree to provide \$202,000,000, for Tenant-Based Rental Assistance, as proposed by the Senate. The conferees agree to report language, as proposed by the Senate, directing HUD to report within 180 days on the States' efforts to address the needs of the disabled, elderly, and homeless.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$5,200,000,000 for the Community Development Fund, as proposed by the Senate, instead of \$4,200,000,000 as proposed by the House. The conferees agree that no state shall receive more than \$4,200,000,000. The conferees further agree that not less than \$1,000,000,000 shall be available on a pro-rata basis for the repair, rehabilitation, and reconstruction of affordable rental housing.

The conferees agree that of this amount, \$12,000,000 is available for transfer to HUD's salaries and expenses account, of which \$7,000,000 is for the administrative costs, including IT costs, of the KDHP/DVP voucher program. The Senate proposed funds for this purpose under the Tenant-Based Rental Assistance account. The conferees agree that \$9,000,000 is available for transfer to the Office of Inspector General. In addition, the conferees agree to transfer \$6,000,000 to HUD's Working Capital Fund for the immediate enhancement of the capabilities of the Disaster Recovery Grant Reporting system by building additional electronic controls that will increase accountability while further decreasing the risk of fraud, waste, or abuse.

The conferees retain language as proposed by both the House and Senate, prohibiting the use of these funds by a State or locality as a matching requirement, share, or contribution for any other Federal program.

The conferees are aware that individuals with disabilities face unique challenges in finding accessible and affordable housing. As such, the conferees urge the states to work with HUD and the disabled community to ensure that these challenges are considered when states are developing and implementing Disaster Action plans. The conferees also urge HUD to take the necessary steps to inform the disabled community about the eligible uses of CDBG funding in addressing their needs.

INDEPENDENT AGENCIES

ELECTION ASSISTANCE COMMISSION

ELECTION ASSISTANCE

The conferees do not agree to provide \$30,000,000 for the Election Assistance Commission, as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION
FEDERAL BUILDINGS FUND

The conferees agree to provide \$37,000,000 for the Federal Buildings Fund, as proposed by both the House and Senate.

TITLE III—EMERGENCY AGRICULTURAL
DISASTER ASSISTANCE

The conference agreement provides a total of \$500,000,000 for emergency agricultural disaster assistance instead of \$3,944,000,000 as proposed by the Senate. This assistance is targeted to counties located in the geographic area covered by a disaster declaration related to hurricanes Katrina, Ophelia, Rita, Wilma, or a related condition. In addition, counties that are contiguous to hurricane disaster counties are eligible for this assistance.

The conferees expect the Department of Agriculture to work with eligible individuals and entities to make payments under the authority of this Act, or from section 32 pursuant to the Secretary's May 10, 2006, announcement. The conferees encourage the Department to ensure that individuals or entities receive the higher benefit for which they are eligible.

Section 3011 of the conference agreement provides \$40,000,000 to make assistance available to producers/processors of sugarcane in Florida that are located in hurricane affected counties and are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996. This section also provides \$40,000,000 to make assistance available to producers/processors of sugarcane in Louisiana that are located in hurricane affected counties and are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996. In addition, this section provides \$400,000 to provide assistance for hurricane losses for a farmer-owned sugarcane cooperative in Texas, including additional demurrage, storage and transportation costs of raw sugar resulting from hurricanes and related conditions during calendar year 2005.

Section 3012 of the conference agreement provides \$95,000,000 for the Livestock Compensation Program, and \$45,000,000 for the Livestock Indemnity Program. This section allows poultry and egg producers to receive assistance under this program. The conference agreement includes language that requires that all eligible applicants conduct an agricultural operation that is physically located in a hurricane-affected county.

Section 3013 of the conference agreement provides \$95,000,000 to provide assistance to specialty crops and nursery crops in hurricane affected counties. This assistance shall be carried out under the same terms and conditions as the assistance that was provided in certain areas of Florida due to hurricanes Charley, Frances, and Jeanne.

Section 3014 of the conference agreement provides \$17,000,000 to assist dairy producers who experienced spoilage losses and are located in hurricane-affected counties.

Section 3015 of the conference agreement provides \$15,000,000 to assist producers and first-handlers of the 2005 crop of cottonseed. The conference agreement includes language requiring that all eligible applicants must be located in hurricane-affected counties.

Section 3021 provides a definition for the term "tree", and directs that the Secretary provide assistance under the tree assistance program established under sections 10201–10203 of the Farm Security and Rural Investment Act of 2002. The conference agreement includes language requiring that all eligible applicants must be located in hurricane-affected counties. The estimated cost for this provision is \$35,000,000.

Section 3022 provides an additional \$100,000,000 for the Emergency Forestry Con-

servation Reserve Program for recovery efforts in hurricane-affected counties.

Section 3023 of the conference agreement includes language to provide clarification to the Secretary on the implementation of the Emergency Forestry Conservation Reserve Program.

Section 3031 provides \$9,600,000 to cover administrative costs incurred by the Farm Service Agency directly related to carrying out disaster assistance.

Section 3032 provides flexibility for the implementation of section 32 funds that were announced by the Department of Agriculture on May 10, 2006 for aquaculture producer grants. The estimated cost for this provision is \$8,000,000.

Section 3033 designates the funds made available in this title as an emergency.

Section 3034 includes provisions waiving certain rulemaking procedures and paperwork reduction requirements.

While the assistance provided by this title is limited to producers in areas affected by Gulf Coast hurricanes in 2005, the conferees fully recognize the losses suffered by farmers, ranchers, and rural communities in all parts of the nation. At such time as may be reasonably determined by the Secretary, the conferees direct the Department to apply any unused funds from this title, and any unused funds from the May 10, 2006 announcement (71 Fed. Reg. 27188) relating to 2005 Section 32 Hurricane Disaster Programs to respond to disaster-related events including wildfires in Texas and other states, drought, flooding in Hawaii and other states, and other natural disasters.

TITLE IV—PANDEMIC FLU
DEPARTMENT OF HEALTH AND HUMAN
SERVICES

OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES
EMERGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

The conference agreement provides \$2,300,000,000 to prepare for and respond to an influenza pandemic, the same overall funding level as proposed by the Senate. The House bill did not include a similar provision.

The conference agreement includes provisions proposed by the Senate giving the Secretary various authorities to purchase goods for the stockpile, enter into contracts for antivirals, construct or renovate privately-owned buildings, and transfer funds to other HHS accounts.

Within the total provided, the conference agreement includes \$30,000,000 to be transferred to the United States Agency for International Development (USAID) for activities related to international surveillance, planning, preparedness, and response to the avian influenza virus. Neither the House nor the Senate included a similar provision.

The conferees intend that all federally-funded international surveillance, preparedness, and response activities be planned and implemented in a coordinated manner to maximize the chances of early detection of potential pandemics. The conferees expect HHS, the Centers for Disease Control and Prevention (CDC), and USAID officials to coordinate their international pandemic-related activities at all levels by maintaining frequent contacts at the senior leadership, program management, and on-the-ground personnel levels. The conferees direct HHS and USAID to submit a joint report to the appropriate House and Senate Appropriations subcommittees, within six months of enactment, which details their international surveillance, preparedness, and response activities and describes the manner in which they have been coordinated.

Within the total provided, the conferees have set aside \$250,000,000 for state and local preparedness activities. The Senate included \$300,000,000 for state and local capacity and the House did not include a similar provision. The conferees recognize that state and local public health departments play essential roles in responding to influenza outbreaks, including implementation of necessary epidemic containment measures, provision of services to homebound and disabled populations, distribution and redistribution of available antiviral medications and vaccines to high priority populations, and coordination with all other local medical and emergency response authorities. Therefore, the conferees encourage the Department to assure that distribution of pandemic influenza funds and all aspects of Federal pandemic influenza planning are consistent with operational realities at the local level and will have the intended public health results when implemented locally. The conferees further urge the Department to assure that all aspects of its pandemic influenza planning and preparations avoid duplication and inconsistency with other Federal directives affecting public health preparedness.

The conferees understand that State and local public health officials must be prepared to coordinate large-scale vaccination efforts in the case of a pandemic influenza outbreak. Therefore, the conferees encourage State and local public health departments to conduct local mass immunization exercises using seasonal flu vaccine.

Within the funds provided for upgrading state and local capacity, funds may be used for regional training meetings bringing together several states. These funds may also be used, if determined necessary by the director of CDC, to enhance flu program planning efforts and the existing preparedness training network at the established CDC centers for public health preparedness and other accredited schools of public health.

Within the total provided, the conference agreement includes \$200,000,000 for CDC. These funds are intended to augment the fiscal year 2006 appropriation and expand and enhance on-going activities related to global and domestic disease surveillance, laboratory capacity and research, laboratory diagnostics, risk communication, rapid response, and quarantine. The Senate proposed a total of \$250,000,000 for these activities within CDC, but included two separate provisions. The House did not include a similar provision.

The conference agreement does not include \$5,000,000 as proposed by the Senate for the Smithsonian Institution to carry out domestic disease surveillance. The House did not include a similar provision.

The conferees are aware of the Department's plan to subsidize "up to" 25 percent of the cost of 31,000,000 courses of anti-virals. The conferees note that the bill language authorizing this subsidy is flexible and does not require, nor limit, the amount of the subsidy. The conferees encourage the Secretary to consider subsidizing these purchases beyond 25 percent for States whose finances have been severely affected by Hurricane Katrina and other hurricanes of the 2005 season. The conferees believe that access to life-saving drugs should be based on public health need, not the finances of the State in which an individual resides.

FUNDING FOR PANDEMIC INFLUENZA VACCINE
INJURY COMPENSATION

The conference agreement does not include \$289,000,000 for a pandemic influenza vaccine compensation fund as proposed by the Senate. The House did not propose a similar provision.

TITLE V—BORDER SECURITY
DEPARTMENT OF DEFENSE—MILITARY
CHAPTER 1

BORDER SECURITY INITIATIVE

The conference agreement recommends \$708,000,000, instead of \$756,000,000 as proposed by the Administration, for the Department of Defense to fund the incremental military personnel and operation and maintenance costs of deploying up to 6,000 National Guard personnel to the U.S. border for one year in support of the Department of Homeland Security.

The conferees direct the Secretary of Defense to provide a report to the congressional defense committees within 30 days after the end of each fiscal quarter detailing the transfers of funds provided in this chapter until funds provided in this chapter are no longer available for transfer. The conferees direct that the report shall include: a detailed accounting of obligations and expenditures of appropriations to which funds are transferred by appropriation account, program, and subactivity group; and a listing of equipment procured using funds provided in this chapter.

GENERAL PROVISIONS—THIS CHAPTER

The conference agreement deletes a provision, as proposed by the Senate, which reduced funds for Department of Defense—Military in this Act by \$1,908,000,000.

CHAPTER 2

DEPARTMENT OF HOMELAND SECURITY

The conferees agree to provide \$1,172,000,000 for border security and immigration enforcement programs within the Department of Homeland Security as requested by the President on May 18, 2006, instead of \$1,900,000,000 as proposed by the Senate and no funds as proposed by the House. Funds are available until September 30, 2007.

CHAPTER 3

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement provides \$9,000,000 for Administrative Review and Appeals, Executive Office of Immigration Review to meet additional caseload requirements resulting from increased border enforcement efforts of the Department of Homeland Security.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL
ACTIVITIES

The conference agreement provides \$9,000,000 for the Civil Division's Office of Immigration Litigation to meet additional caseload requirements resulting from increased border enforcement efforts of the Department of Homeland Security.

SALARIES AND EXPENSES, UNITED STATES
ATTORNEYS

The conference agreement provides \$2,000,000 for United States Attorneys to prosecute additional cases in support of increased border enforcement efforts of the Department of Homeland Security.

PORT SECURITY ENHANCEMENTS

The conferees do not include supplemental appropriations totaling \$648,050,000 for port security enhancements as proposed by the Senate. The House proposed no similar funding.

TITLE VI

LEGISLATIVE BRANCH
ARCHITECT OF THE CAPITOL
CAPITOL POWER PLANT

The conference agreement includes \$27,600,000, to remain available until Sep-

tember 30, 2011, for the Architect of the Capitol, Capitol Power Plant, to make improvements in the utility steam tunnels, as proposed by the Senate.

TITLE VII—GENERAL PROVISIONS AND
TECHNICAL CORRECTIONS

The conference agreement includes section 7001 regarding the availability of funds in this Act. The House proposed identical language as section 3001, and the Senate proposed identical language as section 9001.

Sec. 7002. The conference agreement includes a provision for Department of Defense—Military, as proposed by the House and Senate, concerning funds for intelligence related activities.

Sec. 7003. The conference agreement includes a provision for Department of Defense—Military, as proposed by the Senate, which makes a technical correction to section 8044 of the fiscal year 2006 Department of Defense Appropriations Act concerning the Office of Economic Adjustment.

The conference agreement does not include a provision for Department of Defense—Military, as proposed by the Senate, concerning mortuary affairs. The conferees have been advised that the Armed Services Committees in the House and Senate plan to address the Department of Defense mortuary affairs procedures in the fiscal year 2007 National Defense Authorization Act. The conferees encourage the Department to complete a thorough review of procedures to preserve and expeditiously return the bodies of American military casualties to their families and loved ones. Further, the conferees encourage the Department to continue to improve casualty assistance procedures in support of survivors of military decedents.

Sec. 7004. The conferees agree to rescind \$20,000,000 from lapsed fiscal year 2005 balances, instead of \$43,620,000 from unobligated balances available in the Immigration and Customs Enforcement Automation Modernization account as proposed by the House and no rescission as proposed by the Senate. The conferees direct the Secretary of the Department of Homeland Security to report to the Committees on Appropriations of the Senate and House of Representatives within fifteen days after enactment of this Act on the proposed distribution of the rescission of funds prior to its implementation pursuant to section 504 of Public Law 108-334. This report should specifically list the respective amount proposed to be rescinded by agency and appropriations account, and explain the original purpose of the appropriation and the reason why such funds are available.

The conferees agree to provide \$20,000,000 for United States Secret Service Salaries and Expenses, instead of \$43,620,000 as proposed by the House and no appropriation as proposed by the Senate. Of this total, \$18,000,000 is provided to restore a shortfall in overtime expenses, and \$2,000,000 is provided for the purchase of critical equipment.

Sec. 7005. The conferees agree to rescind \$3,960,000 from Office of Screening Coordination and Operations and reappropriate these funds to the Office of Policy within the Office of the Secretary and Executive Management, as proposed by the Senate. The House bill had no comparable provision.

Sec. 7006. The conferees agree to strike Section 528 of Public Law 109-90.

Section 7007 extends the authority for collection of fees, under the Surface Mining Control and Reclamation Act of 1977, through September 30, 2007, as proposed in section 9016 of the Senate bill. These fees are paid by coal producers and are subsequently appropriated for reclamation of abandoned mines.

The conference agreement does not include language, proposed in section 9015 of the Sen-

ate bill, providing an additional \$500,000 to the U.S. Geological Survey for assistance with assessments of critical reservoirs and dams.

The conference agreement does not include language, proposed in section 9036 of the Senate bill, providing an additional \$1,000,000 to the Environmental Protection Agency for assistance relating to assessments and monitoring of waters in the State of Hawaii.

HHS—LOW INCOME HOME ENERGY ASSISTANCE

The conference agreement does not include a provision proposed by the House that permitted the allocation of emergency funds provided under section 9001(a)(2) of the Deficit Reduction Act of 2005 to be available during the remainder of fiscal year 2006 and fiscal year 2007. The Senate did not include a similar provision.

DEPARTMENT OF LABOR—OFFICE OF JOB CORPS

The conference agreement deletes without prejudice language proposed by the Senate to prohibit the implementation of Secretary's Order 09-2006. The House had no similar provision. The conferees direct the Department to implement Section 102 of Public Law 109-149 retaining in the Job Corps those program functions previously administered by the Job Corps prior to the transfer and to ensure the support necessary for oversight and management responsibilities.

The conferees further expect that, although the Office of Assistant Secretary for Administration and Management will oversee the procurement process, this arrangement shall not alter the existing authorities, duties, or activities of Job Corps as it existed prior to the transfer. The Office of Job Corps and the Assistant Secretary for Administration and Management are directed to maintain controls to assure the procurement activities are completely separate from program operations. Further, the Department is directed to report to the Committees on Appropriations in the House and Senate by August 30, 2006 on steps necessary to establish a unified chief procurement officer with responsibilities for all procurement activities in the Department. The report shall include the comments and recommendations of the Department's Inspector General.

DEPARTMENT OF LABOR—MINE SAFETY

Sec. 7008. The conference agreement includes \$25,600,000 as proposed by the Senate for hiring of additional inspectors, including their training and equipment, to increase coal mine enforcement. The House had no similar provision. Funds are designated as emergency and are made available for two years. The conferees instruct the Department to include a plan for the allocation of funds in the first report to the House and Senate Committees on Appropriation and the House and Senate authorizing committees, due on July 15, 2006.

HEALTH RESOURCES AND SERVICES
ADMINISTRATION

HEALTH RESOURCES AND SERVICES

Sec. 7009. The conference agreement includes a provision that extends the funding availability for a fiscal year 2001 Congressional project until September 30, 2009. The Senate included a similar provision, but extended the availability of funding until expended. The House did not propose a similar provision.

CENTERS FOR DISEASE CONTROL—MINE SAFETY

Sec. 7010. The conferees include \$10,000,000 for the National Institute for Occupational Safety and Health for research to develop mine safety technology, as proposed by the Senate. The House had no similar provision.

RAILROAD RETIREMENT BOARD

Sec. 7011. The conference agreement includes a provision proposed by the Senate to

modify the dual benefit payments language contained in P.L. 109-149. The House had no similar provision.

HEAD START REGULATIONS EFFECTIVE DATE

Sec. 7012. The conference agreement includes a provision proposed by the Senate extending the effective date of a Head Start transportation regulation from June 30, 2006, to December 30, 2006. The House bill did not include a similar provision.

EMPLOYMENT AND TRAINING ADMINISTRATION

Sec. 7013. The conference agreement includes a provision limiting compensation from federal funds to a rate not greater than Executive Level II for any recipient or sub-recipient receiving funds under the heading, "Employment and Training Administration", similar to a provision proposed by the Senate. The House had no similar provision. The provision has been modified to include prior year funds that have yet to be expended.

SEGAL AMERICORPS EDUCATION AWARD

Sec. 7014. The conference agreement amends a provision included by the Senate to name the AmeriCorps education award as the "Segal AmeriCorps Education Award. The conference agreement further amends the provision to make the name change permanent. The House bill did not include a similar provision.

SINGLE HOLDER RULE REPEAL AND CONSOLIDATION INTO DIRECT LENDING

Sec. 7015. The conference agreement includes a provision repealing the "single holder rule" related to consolidated student loans and permitting consolidation loans under direct lending. Neither the House bill nor the Senate bill contained a similar provision.

The conferees agree to include a provision (Sec. 7016) as proposed by the Senate, to amend the authorization for a military construction project in Georgia. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 7017), as proposed by the Senate, to amend the authorization for a military construction project in Hawaii. The House bill contained no similar provision.

The conferees agree to include a provision (Sec. 7018) to amend a limitation on the total cost of military construction projects carried out by Defense agencies, to conform with provisions agreed to regarding military construction projects in Georgia and Hawaii. The House bill and Senate bill contained no similar provision.

The conferees agree to include a provision (Sec. 7019) as proposed by the Senate, to amend the authorization for a military land purchase in North Carolina. The House bill contained no similar provision.

The conferees do not agree to include a provision as proposed by the Senate to change the use of military construction funds provided in the fiscal year 2006 Appropriations bill. The House bill contained no similar provision.

The conference agreement includes language under section 7021 making a technical correction regarding Community Oriented Policing Services.

The conference agreement includes language under section 7022 making a technical correction regarding the National Aeronautics and Space Administration.

The conference agreement includes language under section 7023 making technical corrections regarding the Small Business Administration.

Sec. 7023. The conferees agree to a provision, as proposed by the Senate, amending

Public Law 109-148 regarding the repair and reconstruction of the I-10 bridge in Louisiana.

Sec. 7024. The conferees agree to a provision, as proposed by the House, making technical changes to transit grant funds awarded to the New York City Department of Transportation.

Sec. 7025. The conferees agree to a provision, as proposed by the Senate, waiving the Federal matching share requirements for Federal transit assistance programs; allowing recipients to use funds for operating assistance; and canceling this authority for the Secretary in 2 years, unless a compelling need exists.

Sec. 7026. The conferees agree to a provision, as proposed by the Senate, adjusting the Department of the Treasury travel cap for certain offices.

Sec. 7027. The conferees agree to a provision, as proposed by the Senate, authorizing intelligence activities funded through the Departments of Justice and Treasury for fiscal year 2006.

Sec. 7028. The conferees agree to a provision, as proposed by both the House and Senate, expanding the households eligible for assistance to include HUD assisted project-based multifamily properties and waiving the requirements of Section 8(o)(7)(A) of the United States Housing Act of 1937 to enable HUD to establish voucher leases for 18 months.

Sec. 7029. The conferees agree to a provision amending Public Law 109-115 with regard to tenant-based rental assistance.

Sec. 7030. The conferees agree to a provision, as proposed by the House, making a technical correction to the list of economic development grants in Public Law 109-115.

Sec. 7031. The conferees agree to modify a provision, as proposed by the Senate, making technical corrections to economic development grants in Public Law 108-199.

Sec. 7032. The conferees agree to modify a provision, as proposed by the House, making technical corrections to economic development grants in Public Law 108-447.

Sec. 7033. The conferees agree to modify a provision, as proposed by the House, making technical corrections to economic development grants in Public Law 109-115.

Sec. 7034. The conferees agree to a provision, as proposed by the Senate, allowing for the transfer of real property to the City of Crosby, North Dakota, from GSA.

The conference agreement does not include section 9026 of the Senate bill regarding detail authority for the Department of Transportation.

The conference agreement does not include section 9028 of the Senate bill preventing the Secretary from issuing a final rule regarding foreign control of U.S. airlines.

The conference agreement does not include section 9037 of the Senate bill amending project number 4651 in section 1702 of SAFETEA-LU.

The conference agreement does not include section 9040 of the Senate bill amending section 1940 of SAFETEA-LU.

The conference agreement does not include section 9041 of the Senate bill regarding non-conforming signs.

The conference agreement does not include section 3013 of the House bill regarding registered and legal voters.

The conference agreement includes a provision (Sec. 7035) establishing discretionary spending allocations for the Committee on Appropriations of the Senate for fiscal year 2007.

The conference agreement does not include section 3011, as proposed by the House, re-

garding the prohibition of funds for the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World. The decision by Dubai Ports World to transfer operations of United States ports to a United States entity makes such language unnecessary. The Senate did not propose similar language.

NOTIFICATION OF EMERGENCY LEGISLATION

The congressional budget resolution agreed to by Congress for fiscal year 2006, and both the House and Senate versions of the fiscal year 2007 budget resolution, include provisions relating to the notification of emergency spending. These provisions require a statement of how the emergency provisions meet the criteria for emergency spending identified by the budget resolutions.

The conference agreement on this bill contains emergency funding for fiscal year 2006 that is related to the global war on terror and hurricanes in the Gulf Coast region, and such spending is identified throughout the conference report. The funding is related to unanticipated needs and is for situations that are sudden, urgent, and unforeseen, specifically the global war on terror in the aftermath of 9/11, and the devastating hurricanes of 2006. These events fit the specific criteria for emergencies.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2006 recommended by the Committee of Conference, comparisons to the 2006 budget estimates, and the House and Senate bills for 2006 follow:

(In thousands of dollars)

Budget estimates of new (obligational) authority, fiscal year 2006	92,220,585
House bill, fiscal year 2006	91,947,581
Senate bill, fiscal year 2006	108,897,907
Conference agreement, fiscal year 2006	94,429,554
Conference agreement compared with:	
Budget estimates of new (obligational) authority, fiscal year 2006 ¹	+2,208,969
House bill, fiscal year 2006	+2,481,973
Senate bill, fiscal year 2006	-14,468,353

¹ Including future-year spending in Title III (Emergency Agricultural Disaster Assistance) of \$91,000,000, the increase above the budget estimates equals \$2,300,000,000, which is equal to the amount provided in Title IV for costs related to pandemic flu.

JERRY LEWIS,
C.W. BILL YOUNG,
RALPH REGULA,
HAROLD ROGERS,
FRANK R. WOLF,
JIM KOLBE,
JAMES T. WALSH,
CHARLES H. TAYLOR,
DAVID L. HOBSON,
HENRY BONILLA,
JOE KNOLLENBERG,
JOHN P. MURTHA,
MARTIN OLAV SABO,
ALAN B. MOLLOHAN,
PETER J. VISCLOSKEY,
NITA M. LOWEY,
JOHN W. OLVER,
CHET EDWARDS,

Managers on the Part of the House.

THAD COCHRAN,
TED STEVENS,
PETE V. DOMENICI,
CHRISTOPHER S. BOND,
MITCH MCCONNELL,
CONRAD BURNS,
RICHARD C. SHELBY,
JUDD GREGG,
ROBERT F. BENNETT,
LARRY CRAIG,
KAY BAILEY HUTCHISON,
SAM BROWNBACK,
WAYNE ALLARD,
ROBERT C. BYRD

(except Deeming Resolution),

DANIEL K. INOUE,
TOM HARKIN
(except Deeming Resolution),

BARBARA A. MIKULSKI
(except Deeming Resolution),

HARRY REID
(except Deeming Resolution),

HERB KOHL
(except Agriculture Disaster and Deeming Resolution),

PATTY MURRAY
(except Deeming Resolution and Veterans Funding)

BYRON L. DORGAN
(except Agriculture Disaster),

DIANNE FEINSTEIN,
TIM JOHNSON
(except Agriculture Disaster),

MARY L. LANDRIEU,
Managers on the Part of the Senate.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Transportation and Infrastructure; which was read and, without objection, referred to the Committee on Appropriations and ordered to be printed:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,

Washington, DC, June 6, 2006.

Hon. J. DENNIS HASTERT,
Speaker of the House U.S. House of Representatives, H-232 The Capitol, Washington, DC.

DEAR MR. SPEAKER: Enclosed please find the resolutions approved by the Committee on Transportation and Infrastructure on May 17, 2006, in accordance with 40 U.S.C. 3307.

Sincerely,

DON YOUNG,
Chairman.

LEASE—FEDERAL BUREAU OF INVESTIGATION
INFORMATION TECHNOLOGY FACILITY,
NORTHERN VIRGINIA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 136,800 rentable square feet for the Federal Bureau of Investigation—Information Technology Facility, at a proposed total annual cost of \$4,788,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

LEASE—UNITED STATES ARMY SOUTHERN
COMMAND, MIAMI, FLORIDA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 708,597 rentable square feet and 2,874 outside parking spaces for the United States Army Southern Command, at a proposed total annual cost of \$22,675,104 for a lease term of 20 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution, except for the execution of an interim lease.

LEASE—FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, DC METROPOLITAN AREA

Resolved by the Committee on Transportation and Infrastructure of the U.S. House of Representatives, that pursuant to title 40 U.S.C. § 3307, appropriations are authorized to lease up to approximately 180,000 rentable square feet of space and 30 outside parking spaces for the Federal Bureau of Investigation in the Washington, DC Metropolitan Area, at a proposed total annual cost in Washington, DC of \$8,460,000, Northern Virginia of \$6,300,000, or Maryland of \$5,760,000 for a lease term of 10 years, a prospectus for which is attached to and included in this resolution.

Approval of this prospectus constitutes authority to execute an interim lease for all tenants, if necessary, prior to execution of the new lease.

Provided, That the General Services Administration shall not delegate to any other agency the authority granted by this resolution.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2048, the Motor Vehicle Owners' Right to Repair Act.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. BALDWIN. Mr. Speaker, I ask unanimous consent to have my name removed from H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Ms. DEGETTE. Mr. Speaker, I too ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. MARKEY. Mr. Speaker, I rise with grateful appreciation if unanimous consent could be granted by you and by the other Members of this House that I have my name withdrawn as a cosponsor of H.R. 2048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EVOLUTION OF HIV/AIDS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, this week we recognize that 25 years ago in San Francisco doctors saw a disease that did not yet have a name with symptoms that hearkened back to the Middle Ages. Some manifestations of the disease were lesions, pneumonia, infections. Within 5 years, we were losing so many, many friends to AIDS that we would often go to two funerals in one day. A whole generation of young people went to more funerals than birthdays. We had too many friends who we held in our arms at the end of their lives that felt like a bag of bones more than the muscular young people they had been. There was so much, first of all, a lack of information and then fear of what became known as HIV/AIDS.

Nineteen years ago, it was this week I came to Congress to be sworn in. And my first sentence was, I am here from San Francisco and I have come to fight against AIDS. Actually, what I said is, Sala Burton sent me here to fight against AIDS. She was my predecessor. People asked me, why would you say that? You don't want to be labeled that way. That is the way AIDS was viewed at the time. But that was why I came here, and I said that from day one.

Because San Francisco had suffered the most, we now had an opportunity

to be a model for America and eventually the world, a model for leadership, for community-based solutions, and for intervention. We got to work right away, working with many of my colleagues, Congressman WAXMAN in the lead on our Banking Committee; Congressmen McDERMOTT, SCHUMER and FRANK working on our Housing Opportunities With People With Aids; Congresswoman, now Senator, BOXER, again, working with Congressman WAXMAN creating the Ryan White CARE Act to provide health care and support services for people with HIV and AIDS.

Just as this was all going on, at the very beginning of my tenure in Congress, I measure things that way, a gentleman named Cleve Jones from San Francisco came to me and said we want to have a press conference at your home to announce something called the Names Project. What that would be is that people would make a patch for a giant quilt in honor of a friend, a family member, a loved one who had died of AIDS.

I, being the mother of five and taught to sew in my Catholic school upbringing, said, Sew? Nobody's going to sew. Nobody sews anymore. I have four daughters and one son. I don't sew and I know how to sew. But I was wrong and he was right. And what started that day as us taking a few stitches with then-mayor of San Francisco Art Agnos and Cleve Jones turned into this giant Names Project that has been displayed on the Mall here in Washington. It is indeed a wonder of the world.

Sadly, though, as the quilt grew, so did the recognition of the many lives that were taken or lost from HIV and AIDS.

□ 2215

Next in San Francisco, we created the AIDS Memorial Grove and then designated a national memorial to the thousands of Americans who have died of AIDS. It was really a remarkable thing in our city of San Francisco. Although the numbers were staggering, every diagnosis was an individual one and a personal one, and we had to measure the success of what we were doing as to what it meant to the lives of each person infected with HIV or to the next stage of AIDS.

We recognized that if we were going to have an appropriate response to AIDS, that it had to be international, and thus was started by Paul Boneberg, a person in San Francisco, The International Mobilization Against AIDS. This was many years ago.

Fast forward to now. This year, we have an essential responsibility to continue these efforts by reauthorizing the Ryan White Care Act and then supporting what works by making serious investments in it.

Twenty-five years ago when we heard about the symptoms that would become known as AIDS, and 19 years ago when I first came to Congress, I never thought that we would be standing

here today without a cure. Five years from now, on the 30th anniversary, I pray that we can say that AIDS is a terrible, terrible memory; that we have prevented deaths, ended the epidemic, and found a cure. This is especially true not only in our country but throughout the world where many children are affected by the deaths of their parents, being orphaned, and by their own infections as well.

With a group of my colleagues, I visited South Africa and other countries in Africa, but particularly in South Africa we visited the AIDS clinic and saw the important work that was being done there on that continent. It is taking a terrible toll in terms of lives and hopes and dreams and aspirations. I hope that we will soon be able to say that AIDS taught us how to love each other more but that we will never see it again.

Again, I call to the attention of my colleagues the 25th anniversary of the first diagnosis of AIDS, and hope that a cure will be right around the corner.

TAX CUTS PROVIDE BOOST TO ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCCHENRY) is recognized for 5 minutes.

Mr. MCCHENRY. Tonight, Mr. Speaker, I think it is important that we address our agenda as Republicans, and what we have done as a majority in this House. We have controlled both the House, the Senate, and the White House.

Mr. Speaker, the American people and my constituents, in particular, have been asking, what have you done? What have you achieved for us? And I want to tell you tonight the center of what we have achieved as Republicans, Mr. Speaker, is an economic growth that has been unrivaled in our Nation's history, and at the center of that economic growth are tax cuts. Those tax cuts have fueled our economic recovery over the last 6 years.

Mr. Speaker, Republican tax cuts have made an enormous difference. And let us talk about this. One hundred eleven million American taxpayers have seen their taxes decline by an average of \$1,877, and for the average family that is real money. Here in Washington, D.C. they spend that in a minute, but at home in my district, in Cherryville, North Carolina, that is real money. That is real money for an American family, a family in Cherryville or in Hickory or in Morrisville, to spend on textbooks, clothes, maybe even a vacation, Mr. Speaker. That has fueled our economic recovery, the fact that the American people have more in their own pocket now than they did 6 years ago.

I will also say that a family of four earning \$40,000 received a tax relief because of President Bush's tax cuts and Republican leadership in the House, they have received a tax cut of \$2,010

per year, Mr. Speaker. That is for a family of four making \$40,000 a year. That is a wonderful, wonderful thing that we have allowed the American people to keep more of what they earned.

Well, what we are trying to do now, what this Republican Congress is trying to do with the help of our President is not only extend the tax cuts, which I am very proud that we were able to enact just a few weeks ago; we extended the President's tax cuts for 2 more years, but to make it permanent. And what would making those tax cuts permanent do for the American people? Well, in my State of North Carolina, between now and 2014 we would produce 22,000 new jobs because of extending and making permanent the President's tax cuts.

Our annual GDP would grow by over \$111 billion higher, after inflation, if we make the President's tax cuts permanent. Personal savings will grow by \$163 billion per year on average over the next decade if we make the President's tax cuts permanent. And personal income will grow in the State of North Carolina on average by \$4,000 a year. Disposable income, that is, Mr. Speaker. And beyond that, we are going to see the economy continue to grow if we are able to extend these tax cuts, and a strong economy will spread prosperity more evenly throughout our economy, and that is very important. The American people having more money in their pocket is a very vital thing. That is a very vital thing.

Now, my colleagues on the other side of the aisle have been four square against this. Why? They think of government solutions as the only alternative, Mr. Speaker. And I would say that it is important that we come together as a body and say that reducing the size and scope of government is a good thing. Now, my colleagues on the other side of the aisle have stood in the way of progress in terms of tax cuts. Most of them, a majority, have opposed tax cuts here on this House floor, not just for the last 5 or 6 years during the President's term, but over the course of the Republican majority for the last 12 years. Why Mr. Speaker? Because they want more revenue for government. They want government to expand.

Beyond that, Republicans have worked very hard at growing this economy in other ways. Not only have we cut taxes which has led to greater economic growth, but we are trying to increase the supply of oil, gasoline, and natural gas for all Americans, and look at alternative energies. And the Democrats have stood in our way in terms of energy policies as well. And I would encourage them to join with the Republican majority and do what is right, expand our energy supply and continue to cut taxes.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

RECOGNIZING THE YOUNGSTOWN CONNECTION

Mr. RYAN of Ohio. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of the Youngstown Connection. This group of exceptional students from the Youngstown city schools serves as ambassadors of our valley throughout the Nation and the world.

The Youngstown Connection is comprised of 12 high school students from Youngstown city schools. They are skilled in all areas of the performing arts including theater, dance, and music.

The talents of the Youngstown Connection have been showcased at National venues, including the Kennedy Center and the Washington National Cathedral in Washington, D.C., the Lincoln Center, and the Macy's Thanksgiving Day parade in New York City. Across the globe they have performed at the World War II D-Day commemorations in Normandy, Paris, and London, Austria's Millennial Celebration of Music in Vienna, and the Berlin Wall Freedom Celebration in cities throughout Germany.

Many of the students come from a variety of socioeconomic backgrounds, and through the Youngstown Connection they are able to explore opportunities they may not have otherwise been granted.

It has been widely reported, Mr. Speaker, that students of the arts continue to outperform their peers who for one reason or another have not taken courses in the arts. According to the College Entrants Examination Board, in 2005 SAT scores of students with coursework or experience in the arts scored between 25 and 65 points higher in the verbal section and an average of 28 points higher in the math section than those with no arts coursework. 100 percent of Youngstown Connection students graduate from high school, and 97 percent go on to graduate from college. The focus, the discipline, and the motivation the students gain throughout these experiences in the Youngstown Connection remains with them throughout their lives.

Today, Mr. Speaker, several alumni of the program are at the top of their career fields, including several professional performers. Lawrence Brownlee, who went on to gain a Master of Music degree from Indiana University, is an opera singer who is considered one of the top young tenors in the entire world. He has performed in every major opera house worldwide and currently has a contract with the Metropolitan

Opera. Another Youngstown Connection alumnus, Timothy Gordon, is a professional dancer and teacher in New York who has performed with, amongst others, Alicia Keys. Three former alumni are currently pursuing Ph.D.'s from universities across the country in fields such as cancer and heart research.

Mr. Speaker, all children in every school need the same opportunities as these kids. Imagine the potential that could be unleashed across the country. Let us give these kids the opportunity that they deserve. These students learn the value of giving back to their community through service projects to help the homeless. The group also raises their own funds for travel, costumes, and other expenses through the use of fund-raising activities and generous donations from private citizens and groups. The Youngstown Connection provides these young adults with the opportunity to share their love of the arts and promote the message of brotherhood and peace throughout the world.

I am proud of the Youngstown Connection, Mr. Speaker, and because of them the future of our community in northeast Ohio and the country is in good hands.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

BADMAN VS. LAWMAN—A TRIBUTE TO TEXAS PEACE OFFICER DALE GEDDIE

Mr. POE. Mr. Speaker, I request permission to take Mr. BURTON's time.

The SPEAKER pro tempore. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. POE. Mr. Speaker, it is the kind of ammunition you would expect a foreign insurgent to have, 150 armor piercing bullets and a rifle. But it was all too familiar what happened in this event. This individual with all this fire power being a bad father and a bad husband, he was pitted against police and his own family. He held them hostage, then lashing out at the lawmen sent to rescue his family. This domestic disturbance ended fatally, just as too many domestic disturbances end.

After threatening his wife, this family terrorist, Joseph Earl Walsh, turned his blazing gun on a well-known and well-loved peace officer, a servant of the people, leaving him to die while holding fellow peace officers at bay. This stand-off would last more than 3 hours, and when the dust and gun powder cleared the skies, East Texas Constable Dale Geddies of Tyler, Texas would be found murdered.

As a constable, Geddies was more than a law officer, he was an officer of the people. He carried a charge that dates all the way back to the Father of Texas, Stephen F. Austin, who started this band of lawmen to protect Texas settlers from the Indians. Constables are an elite corps of cowboy-lawmen, part of an organization really older than Texas Rangers. They date back to before the days of the Republic of Texas. And Constable Dale Geddies was known for upholding the charge to protect and serve.

He was a fine lawman and a fine human being. Friends have said that if you knew Dale, he was your friend for life. He was the guy who would take off his boots and give them to you if you needed them. Now it is Constable Dale Geddies's family, his wife and his two sons, who will need help during the loss of their good father and their good husband. Their father's fellow peace officers, with their badges draped in the black cloth of sacrifice, their hearts bruised, have lost a friend, a leader, and a hero.

Today we remember Constable Dale Geddies, his family and friends and fellow Texas lawmen, and as we remember them we also remember Smith County Sheriff's Deputy Daniel Leon, who was also injured in this attack. Today we pause to say a prayer and give praise to all the other lawmen across the country who face the forces of evil, evil that hides in the hardened hearts of the heathen.

Mr. Speaker, peace officers are the last strand of wire in the fence between the people and the lawless. Constable Dale Geddies was one of those peace officers.

And that's just the way it is.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ON THE PASSING OF GEORGE DUNNE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of Mr. BROWN.

The SPEAKER pro tempore. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, last week George William Dunne, one of the giant figures of Chicago and Cook County politics in the last half of the 20th century passed at age 93.

George Dunne came from humble circumstances, the son of Irish immigrants. He graduated from De La Salle Institute on Chicago's South Side, the alma mater of such stalwarts of Cook County politics as Mayor Martin Kennelly, Cook County board president Dan Ryan, and Mayor Richard J. Daley.

□ 2230

He attended Northwestern University and served his country in the United States Army during World War II and the Korean War. George Dunne began his public service career as a park supervisor at a Lake Michigan playground, and went on to a series of positions with the Chicago Park District.

He was elected to the Illinois House of Representative in 1955 and elevated to House Majority Leader in 1961. In 1962 he was elected to the Cook County Board and 7 years later he was elected to the position of President of the Board. George served in that position for 31 years, until his retirement in 1990.

In addition to his government service, George held responsible posts in the Cook County Democratic Party. He was Democratic committeeman of the 42nd Ward on Chicago's north side for more than 40 years, and as chairman of the Cook County Democratic Party for all but 5 years from 1976 to his retirement in 1990.

George Dunne was present at many of the great historical landmark events of his day. He was with Colonel Jacob Arvey at the 1984 Democratic Convention in Philadelphia for the nomination of Harry Truman.

20 years later he was with Mayor Richard J. Daley at the 1968 Democratic Convention for the nomination of Hubert Humphrey.

However, Mr. Speaker, for me those are not the events I remember. When I remember George Dunne, I remember 1983 when Harold Washington won the Democratic nomination for Mayor of Chicago. The Democratic Party began to split along racial lines, with some white Democrats turning to oppose the nominee of their own party.

George Dunne was one of those who resisted such splitting tactics and supported Harold Washington, including what was to become immortalized in one famous photograph, marching arm in arm with Washington at the St. Patrick's Day Parade.

I remember the depth of the crisis at Cook County Hospital when George Dunne, became President of the Cook County Board. At one time Cook County Hospital had been a model for public health institutions. But by the early 1970s, many were calling for the closing of the hospital.

Today we would call it privatization of the hospital. Eventually, President Dunne put aside his political predilections and hired a radical young doctor, Dr. Quentin Young to lead the Department of Medicine, a move which today is generally created with saving the hospital.

Mr. Speaker, I do not believe that we mortals should make final judgement on the life of other mortals, but when we reflect on the life of George Dunne, I hope that these qualities and actions are among those which are never forgotten.

Several of his proteges are integral parts of Illinois and Chicago politics,

such as the Honorable Jesse White, Secretary of State, the Honorable Burton Natusus, Alderman and committeeman of the 42nd Ward, and the honorable Walter Burnett, alderman of the 27th Ward.

Mr. Speaker, I am sure that they would join with me and countless others of saying thanks to his family for sharing with all of us a tremendous elected official, politician, but most of all a gentleman and a humanitarian.

The SPEAKER pro tempore (Mr. DANIEL E. LUNGREN of California). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

(Ms. FOXX addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HONORING CORPORAL ERIC R. LUEKEN

Mr. SODREL. Mr. Speaker, I would like to claim the time of Ms. FOXX.

The SPEAKER pro tempore. Without objection, the gentleman from Indiana is recognized for 5 minutes.

There was no objection.

Mr. SODREL. Mr. Speaker, I rise today to honor a young man, a Marine from my district who served with the 3rd Battalion, 3rd Marine Regiment, 3rd Marine Division, 3rd Marine Expeditionary Force in Iraq.

Corporal Eric R. Lueken of Dubois, Indiana joined the Marines in 2003. He served in Afghanistan from November 2004 to June 2005. On March 11, 2006, he left for service in Iraq. Eric grew up on the family poultry farm, played basketball at Northeast Dubois High School, and joined the Marines because he wanted to do something he could be proud of.

Corporal Lueken's mother, Melinda Lueken, said he wanted to achieve something for himself and he did. He was just a country boy. He liked hunting and fishing. But he wanted to do something with his life and he did not want to always stick around here in the little town of Dubois.

Lueken's fiancée, Ericka Merkel, said, "Once he joined the Marine Corps, all of his needs, they were second. Everybody else's needs were first. He never put himself first." Even in Iraq he said, "I am praying for you." He was never praying for himself.

This Memorial Day, Mr. Speaker, adds special meaning for me. Corporal Lueken was killed on April 22, 2006 when his convoy was the target of an improvised explosive device in Iraq's Anbar Province.

Corporal Lueken was a field radio operator. He was only 23 years old. Mr. Speaker, I attended the memorial services for Corporal Lueken and witnessed an incredible outpouring of affection and gratitude from the people of Dubois County, Indiana, from the people who knew Eric best.

The Marine Honor Guard, Marine Corps Association, VFW, American Le-

gion and other Armed Services members, current and past, traveled great distances to show their respect and support for his friends, his fiancée and his family.

Like so many young men and women who choose to serve our country, it is clear to me, Corporal Eric Lueken embodied the very best of what makes this country great. Corporal Lueken's sacrifice, his commitment to his faith, his family, and his country was unwavering.

Semper Fidelis, always faithful, at home, in Afghanistan, and Iraq. Southern Indiana has lost a remarkable young man. My thoughts and prayers are with the Lueken family and with all of many men and women of the United States Armed Forces who defend liberty around the world.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CONAWAY) is recognized for 5 minutes.

(Mr. CONAWAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

(Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

(Mr. BISHOP of Utah addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. SNYDER) is recognized for 5 minutes.

(Mr. SNYDER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

(Ms. WASSERMAN SCHULTZ addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATS PLAN FOR A WAY FORWARD IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from California (Mr. SCHIFF) is recognized for half the time until midnight as the designee of the minority leader.

Mr. SCHIFF. Mr. Speaker, there have been too many dark days in Iraq of late, but today is not one of them. The removal of Abu Musab al Zarqawi is a welcome event.

Zarqawi was a blood thirsty thug and an indiscriminate killer of innocent men, women and children. All Americans join in congratulating the American military and the Iraqi people for their success in tracking, finding and eliminating the most vicious terrorist in Iraq.

It is too early to predict what the effect of the elimination of Zarqawi will have on the counterinsurgency effort that the Iraqi and coalition forces are engaged in.

On the one hand there is ample historical evidence that eliminating terrorist and insurgent leaders does not necessarily cripple their movements. New leaders rise up to take their places. In the Iraqi case, however, Zarqawi's form of jihad, which has resulted in the slaughter of so many innocent civilians has alienated most Iraqis and helped to foster reported back-channel negotiations between the U.S., the Iraqi Government and some of the insurgent groups over the past few months.

Whether the confluence of Zarqawi's death and the completion of the new Iraqi cabinet can accelerate the prospects for some kind of more open negotiations remains to be seen. Especially as the sectarian violence that Zarqawi sought has continued to grow in recent months.

Even as we celebrate Zarqawi's death and recall the horrors he perpetrated, the videotaped beheadings of helpless hostages, the mass casualty suicide bombings of Shiite mosques, and the horrific destruction of the UN headquarters, we cannot turn away from the grim reality, that the war the President declared over in the spring of 2003 has been bloodier, costlier, longer and more difficult than the administration anticipated or planned for.

We need a new way forward in Iraq, and that is what we would like to talk about tonight. The Democratic ideas for a new way forward in Iraq are part of an overall effort to reconfigure America's security for the 21st Century, a plan we call Real Security.

Earlier this spring, Members of our party from both the House and the

Senate unveiled a comprehensive blueprint to better protect America and restore our Nation's position of international leadership.

Our plan, Real Security, was devised with the assistance of a broad range of experts, former military officers, retired diplomats, law enforcement personnel, homeland security experts and others, who helped identify key areas where current policies have failed and where new ones were needed.

In a series of six special orders, my colleagues and I have been sharing with the American people our vision for a more secure America. The plan has five pillars, and each of our special order hours have been addressing them in turn: Building a 21st Century Military, Winning the War on Terror, Providing for Our Homeland Security, A Way Forward in Iraq, and the Achievement of Energy Independence.

Tonight we address a New Course in Iraq, to make 2006 a year of significant transition to full Iraqi sovereignty, with the Iraqis assuming primary responsibility for securing and governing their country with a responsible redeployment of U.S. forces.

Democrats will insist that Iraqis make the political compromises necessary to unite the country and defeat the insurgency, promote regional diplomacy and strongly encourage our allies and other nations to play a constructive role.

I have been to Iraq three times to visit our troops there, and I have spent time with our wounded here and in Germany. They have done everything we have asked of them, and they have done it magnificently. Whatever success we have had in Iraq, every village that was secured, every public works project that was completed, every school that was reopened, is due to the efforts of our soldiers, sailors, airmen and marines.

But, Mr. Speaker, these heroes are still being killed and wounded daily. Over 2,450 American troops have been killed and thousands more have been injured. American taxpayers are paying approximately \$194 million a day for the war, according to the CBO. That is more than \$1 billion a week.

A recent Congressional Research Service report puts the current cost of continued operations in Iraq and Afghanistan at close to \$10 billion a month, with most of that money going to Iraq.

This is a conflict that has come to grief in so many ways. In the fall of 2002, Congress voted to authorize the use of force against Iraq because of the threat that Saddam Hussein had stockpiles of chemical and biological weapons, and because we were told he had an active nuclear weapons program.

If you go back and look at the debate in the House and Senate, this was a decision taken by the Congress to prevent Iraq from acquiring and using or transferring nuclear weapons.

Months later as American forces pushed across the Kuwaiti frontier and

into Iraq, we were told by the President that our troops were on a hunt for weapons of mass destruction. Delivering the Iraqi people from the brutality of Saddam Hussein was a noble act, but the promotion of democracy in Iraq was not our primary reason for going to war.

Similarly, we knew that the Shiite majority had suffered terribly under the Ba'athist regime, and freeing them from the oppression of the Sunni minority was an added benefit of the invasion. But reordering the ethnic balance of political power in Iraq was not our primary purpose for going to war.

Soon after the fall of Baghdad, it became clear that many of the prewar assumptions that had guided the President and his advisors were wrong. There were no chemical or biological weapons. There was no nuclear program. And while many Iraqis celebrated the ouster of Saddam Hussein, they did not line the streets of Baghdad to greet our troops with flowers. In fact, within days, there emerged the beginnings of what would be an organized, deadly insurgency that would quickly put an end to General Tommy Frank's plan to pare down the 140,000 troops in Iraq in April of 2003 to 30,000 by September of 2003.

In recent months, the nature of the struggle in Iraq has changed yet again. Long-simmering ethnic tensions which had been suppressed under Saddam's totalitarian regime have threatened to tear the country apart.

While the full-scale civil war that many feared in the wake of the bombing of Askariya mosque in Samarra has not come to pass, not yet, most observers believe the country is currently in the grip of a low-level civil war that could erupt into full-scale conflict at any time.

As first, much of the sectarian violence was perpetrated by Sunni insurgents who saw continuing violence and instability in Iraq as their best hope to gain power in a country dominated by Shia Muslims.

Shiite political factions have responded by creating militias, and these have become more active in targeting Sunnis over the past few months. In recent weeks I have been concerned by media reports that Shiite militias have been deploying to Kirkuk, Iraq's third largest city, in a bid to forestall any attempt by Kurds to assert control over this major center of Iraq's oil-rich north.

In Baghdad, Shiite units, some of them nominally under the control of the Ministry of Interior, have acted as death squads, and the streets of the capital have become a dumping ground for bodies.

We have a moral obligation to do what we can to avoid having Iraq spiral into all-out civil war. But now is the time for Iraqis themselves to decide whether they wish to be one country. That is the decision we cannot make for them.

Accordingly, the first element of the Real Security Plan for Iraq calls for

the United States to take the necessary steps to ensure that 2006 is a year of significant transition to full Iraqi sovereignty.

□ 2245

There is a broad consensus among experts here and abroad that Iraq's future will be determined politically and not by force. The formation of a permanent Iraqi government, one that will have power, legitimacy and vision, to assume primary responsibility for securing and governing the country is a necessary precondition to ending the insurgency, preventing civil war and allowing large scale reconstruction to begin.

Consequently, our role in Iraq must become more political and less military for if there is one thing that Iraqis of every religious, political and ethnic stripe can agree on, it is that they do not want foreign troops in their country indefinitely.

The second element of the Democratic Real Security plan for Iraq is a responsible redeployment of our troops during the course of 2006 so that we are not drawn into sectarian conflict, and so that Iraqis are forced to take primary responsibility for securing and governing their country. The process of training Iraqi security forces has gone more slowly than many had hoped and few Iraqi units are capable of taking a leading role in combating the insurgency and remain almost wholly dependent on coalition forces for logistical support.

We must redouble our efforts to train Iraqi forces in order to allow for the responsible redeployment of American troops without a consequent loss of security in the areas we leave. A responsible redeployment of American coalition forces will have to be done in stages to build greater Iraqi sovereignty and control over security, not civil war.

In the first phase of redeployment, I believe our forces should be gradually withdrawn from urban centers where their mere presence in large numbers has earned the animosity of the local population. Our troops should be moved to smaller cities where reconstruction is supported by the local population and to remote bases where our troops will be able to support Iraqi units if necessary but will not become a buffer between warring sects bent on killing each other.

Over time, these troops will be withdrawn from Iraq altogether and redeployed outside the country, either in the region or back to the United States. We should publicly declare that the U.S. does not seek to maintain a permanent military presence in Iraq and many of us have co-sponsored legislation to prevent the establishment of bases which can only serve as a catalyst for the insurgency and for foreign jihadis.

A redeployment of American troops cannot succeed if the Iraqis themselves are not willing to find the political so-

lution to counter the forces that threaten the unity of the country. There is to doubt that Iraq's ongoing sectarian strife has been exacerbated by the protracted struggle among and inside Iraq's political factions over the formation of a permanent government.

The real key to a better future for the Iraqi people and the third element of the Democratic Real Security plan for Iraq is the promotion of political compromise to unite the country. The recent formation of a national unity government by the prime minister is a positive step. While Zarqawi's death has grabbed most of the headlines today, the prime minister's announcement that he has filled the crucial vacancies in the interior defense and national security ministries may prove more important to Iraq's future, which will be determined politically and not by force.

The Iraqi government must demonstrate to its people that it can actually bring Iraq's rival factions together in a common effort to confront the foreign jihadis and bring the insurgents into the political process. This is the best hope for maintaining the unity of Iraq. But Mr. Speaker, we can not do it alone.

American soldiers, American diplomats and American reconstruction experts are shouldering almost the entire burden in Iraq. This is unfortunately a problem wholly of our making. The President made little effort to bring others on board before we went into Iraq. And after the fall of Baghdad, he rebutted an offer by the United Nations to assume a central role in rebuilding the country.

Finding a way to internationalize the struggle to stabilize Iraq is the fourth element of the Democratic Real Security plan for Iraq. It is not surprising our allies and others are reluctant to send their soldiers and contractors to help us. It is dangerous and we have not been amenable to listening to the suggestions of others. Unfortunately, the situation in Iraq has deteriorated to the extent that the world must re-engage if only because the alternative is too horrible to contemplate. At a minimum, our allies should be willing to assume a greater role in training Iraqi security forces, as well as provide long-promised economic support.

Finally, the last element of the Real Security plan is the need to hold the administration accountable for its conduct of the war. More than any other variable under the control of Congress, our failure to perform this oversight has been a major factor contributing to the difficult situation in Iraq.

The failure of oversight and the need to hold accountable people that are responsible for those failures has plagued the Iraq war from the beginning. And because this Congress, this Republican-controlled Congress refuses to hold the President to account, we keep making the same mistakes over and over again.

For years, the administration and majority tried to cow into silence any-

one who dared to question the conduct of the war by calling them unpatriotic. It is not disloyal to ask these questions. Oversight is a core responsibility of Congress. The great strength of a democratic system with built-in checks and balances is that mistakes are caught and corrected. Every Member of this House, Republican and Democrat, wants a stable and representative Iraqi government. But, Mr. Speaker, we cannot hope to change course in Iraq until and unless we are willing to acknowledge mistakes, until we hold the administration accountable and force change.

Devising and implementing a successful end game in Iraq will be difficult, but the President's open ended commitment to remain in the country is untenable and unwise. The American people want Iraq to succeed and for a representative government there to survive and lead to a better future for the Iraqi people, but that success requires a new direction.

I now yield to two of my colleagues, my fellow co-chairs of the Democratic Study Group on National Security their thoughts on the way forward in Iraq. First, I would like to turn to Mr. ISRAEL of New York who has been a great leader on this issue, who is the Chair of the Democratic Task Force on National Security. I yield to the gentleman from New York.

Mr. ISRAEL. I thank my friend from California and particularly I want to thank him for his strong and wise leadership on national security issues.

As the gentleman mentioned he and our colleague from Atlanta, Georgia, Mr. SCOTT, and I co-founded the Democratic Study Group on National Security Policy, which advocates for a long and smart military, which believes in policy that are robust and visionary when it comes to our national security.

I have the great honor, not just being a Member of Congress, but serving on the House Armed Services Committee. And I was in Iraq just a month ago. It was my second visit as a member of the Armed Services Committee. And when I was there I had the sense that we were getting close to finding al-Zarqawi. He was still on the loose but we were getting closer, and I am glad that we finished the job. This is a guy who relished beheadings. This is someone who enjoyed car bombings. This is someone who killed Americans who killed, Sunnis, who killed Shi'ia, who killed Kurds. And so I believe it is an important day and it is good news that while we have many struggles ahead this one struggle no longer exists.

But I think it is very important for us to focus on the future. While I was in Iraq I had the opportunity to meet with Prime Minister Maliki and President Talabani and General Casey and his troops. All of those people were involved and should take credit for what happened today.

The questioning now faces what is next. The gentleman talked about our plan for Iraq. The fact that 2006 should

be a year of transition to full Iraqi sovereignty, that we need a responsible redeployment of U.S. forces, that we need to promote Iraqi political compromise to unite the country, encourage our allies to play a constructive role, hold the Bush administration accountable. And there is one more thing that we must do that I know my colleagues and I agree completely on. And that is to make sure that our troops continue to have everything they need, because despite the fact that al-Zarqawi has been removed, there are going to be other al-Zarqawis in the world. There are going to be others who enjoy beheadings and car bombings. And for as long as they exist, we are going to need the capabilities of meeting and defeating them.

That is why I was so distressed when my constituents woke up this morning to this front page in our Long Island newspaper, *Newsday*. The front page headline, "Blood clot bandages, frontline shortage, some troops calling home to ask for life saving dressings."

By the way, I would say to my friends from Georgia and California, this story is under a story about how Ann Coulter visited my district having just attacked 9/11 widows as being witches and harpies. After Ann Coulter attacked 9/11 widows, I have about a hundred of them in my district, comes to my district and attacks them. Under that story is this story about potential shortages of blood clot bandages.

Let me share with my colleagues what this story says. "Despite Army order that frontline medics get special clotting bandages, soldiers say they're still needed." It begins with this lead. "Nine months after an Army order that all combat orders would get life saving clotting bandages to curb bleeding deaths, some troops in Iraq are still calling home, asking friends and families to supply them. Despite Army assurances that there are plenty of bandages to go around. Soldiers have written to say they have not found their way to all those on the front lines, and the manufacturer under contract with the Army acknowledged last week that early production problems may have spurred a shortage."

Now, let me be clear on this. We have been working with the Army and we will continue to work closely with them. They are trying to get to the bottom of this and that is their obligation. I appreciate their responsiveness to this report. But we cannot afford continued reports like this three years after the invasion.

It is unfair that Ms. Doreen Kenny, who lost her job, Jacob Fletcher, in Iraq, one of the first Long Islanders to be killed in action, has to have her photograph in this story with the quote, "If I can prevent one knock at the door of a military family, I will do all I can to prevent them from living through the heartbreak I have had to live through."

Why is she in this story? Because Doreen Kenny, who lost her boy, is mail-

ing this critical medical equipment to our troops in Iraq. That is not what she should be having to do right now.

So I know we will continue as Democrats to ensure that when we go to war we do not go with the Army we have, as Secretary Rumsfeld said, but with the supplies they need. That those of us who believe that we have to draw a line against totalitarianism understand that we have to make sure our supply lines are adequately equipped. That we cannot afford to send soldiers into hostility and then read reports that they are calling home asking for blood clotting bandages.

I want to thank the gentleman for his leadership. We will continue to pursue this vitally important plan for Iraq, but I know that at the centerpiece of those plans is the understanding that we have to protect the protectors and defend the defenders, and that is what Democrats are doing in the United States Congress today.

Mr. SCHIFF. I thank the gentleman for yielding and for sharing the experience of your constituent. I think each of us has sat down with troops returning from Iraq and heard the stories of the lack of lifesaving equipment that they have had to cope with. I had lunch with a guardsman from my district a couple of weeks ago who told me during the year he was in Iraq, the Humvees they were riding in had no doors, and they had to jerry-rig sheets of plywood separated by sacks of sand or concrete, what we call hillbilly armor, to protect themselves as they went from base to base, asking each other, why are we having to do this?

And when we consider all of the misspent and unaccounted for billions of reconstruction dollars and how many coagulant bandages that would pay for or body armor or uparmored vehicles, I think it is the case of going to war with the leadership you have, not the leadership you would like. And I thank the gentleman. If the gentleman has time, we can have a colloquy later on but let me turn to my other colleague from Georgia, Mr. SCOTT, one of our great leaders on national security issues, and I yield to the gentleman.

Mr. SCOTT of Georgia. Thank you so much and to my good friend, Mr. ISRAEL. What a pleasure it is to serve, the three of us, as co-chairs of our Democratic Group on National Security and providing leadership for this Nation on this critical area, and also letting the American people know that Democrats stand, foremost, for national security. Our history, our legacy speaks to that.

As we have counted time and time again, every time we have had a national crisis, Democrats have paved the way and brought us through, from Franklin Delano Roosevelt to Harry Truman, John Fitzgerald Kennedy. Who could be more strong than at the Bay of Pigs, at the missile crisis in Cuba, with the Soviet Union in the Cold War. We have been in the forefront in every aspect of protecting this

country and we are at the forefront now.

It is such a pleasure and I am just very proud to be here with you. I want to pick up on that theme because while we all salute the killing of al-Zarqawi, we are proud of that, we are proud of our military.

□ 2300

We salute them for having done a remarkable job, but I think it is very important for us not to get too caught up in that as much as it is very important for us to look at this Iraq situation from the standpoint of the soldier, from that person that is on the front lines.

Like the two of you, I have been to Iraq. I have been over into the war zone twice. I have been into the European theater. I have been into Afghanistan. I have been on the front lines with our troops. I have eaten with them. I have been there and I have talked with them, and I have looked them in the eyes and they have looked me in the eyes. We have been able to see and to be able to feel one another's passion and their pain.

I am committed, as the two of you are, to make sure that we speak for the soldier, and this is what I want to do this evening. I want to talk about our military, and I want to talk about them from the standpoint of the sacrifices that our men and women in uniform are making.

Most recently, we had in the news the disturbing story about the marines and about what happened over there, but I want you to know that this is one soldier here, this is one congressman, who is going to not come to any conclusions, because no matter what the situation is on that battlefield, where our marines, where our soldiers are, they did not choose to go over there. They did not choose to go over there with bad equipment, undermanned and in the rotation cycle that they have that has put tremendous strain on our military.

Many of our marines, many of our soldiers, are over there not on their second tour, not even on their third tour. Some are on their fourth tour of duty. I talked with them. That is not right, and it is not fair.

I think as we talk tonight we need to talk about the strain that this Iraqi situation is placing on our military so that when we judge our military, let us judge them right. Let us judge them with the hills and valleys and the mountains that they have got to go through over there.

I want to talk about just for a second that nearly all of the available combat units in the United States, Army and the Army National Guard and the Marine Corps, have been used up in the current operations in Iraq and Afghanistan.

Every available combat brigade from the active duty Army has already been to Afghanistan and Iraq at least once for a 12-month tour. Many are now in

their second or third tours of duty, and approximately 95 percent of the Army National Guard's combat battalions and special operation units have been mobilized since 9/11, and short of full mobilization or a new presidential declaration of national emergency, there is little available combat capacity remaining in the Army National Guard.

All active duty Marine Corps units are being used on tight, tight rotation schedules, 7 months deployed, less than a year home to rest or recess, then another 7 months deployed, and all of the Marine Reserve combat units have been mobilized.

The point I am making is that the decision to go to war is one thing. The other thing is you never make that decision and you send on a mission that is not clearly defined, that has been moving and shaking. Let us review for a moment just what our soldiers, just what our military has been asked to do.

First of all, the mission was to go and find weapons of mass destruction, based upon faulty information and sometimes false information purposefully, for whatever purpose. We know all that now. We did not know it then, but we sent our military into that, and we sent our military in with not enough manpower. Seventy percent of the generals said we do not have enough manpower. The one person with the level of credibility, combat experience in this administration, Colin Powell, made the statement, We do not go to war without the size of the military we need to do the job. You go with massive force.

Then secondly, once there were no weapons of mass destruction, the mission changed to go to find Saddam Hussein. We did that.

Then to set up a free government. We did that, all under great, great obstacles.

And then the test, to reconstruct the country. That was not the mission of our Army.

So, as we sit back and as we applaud this great accomplishment today with al-Zarqawi, let us not forget the soldier. Let us not forget the difficult and challenging and meandering, constantly changing mission, not having the resources, going into dung heaps, going into landfills to get body armor.

This country, and the very just passionate story that STEVE ISRAEL talked about on the front page of the *Newsday* and the *Long Island newspaper* today, America deserves better. I tell you one thing, they are going to get better because we in the Democratic group on national security, we are going to make sure of it. We are going to hold this administration accountable. We are going to point in a new direction, and we are going to give the American people the kind of strong, forceful, national security that they need and can be proud of.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman from Georgia.

I think most of the American people really do not have a firsthand sense of

the kind of sacrifice that our troops are making, which is nothing short of extraordinary, with the multiple deployments that you mentioned, with the uncertainty for their families of when they will come home, if they will come home and in what condition they will come home, the economic sacrifices the families make.

One of the concerns I have is not only the problem making sure that there is enough coagulant bandages while they are there, but what about when they come home? Our VA system is already over capacity. The administration is talking about closing Walter Reed. I do not know how that can be done. Every time I have been there it is been brimming with patients.

We, I do not think, have even begun to think about the demands on our health care system for veterans. This young Guardsman that I mentioned earlier, he told me that he still has to resist the impulse to drop to the deck when he hears someone close the door behind a Civic. There is something about the closing of a door behind a Civic that sounds a lot like a mortar going off at 2,000 meters. He said he was pretty well-off in Iraq; he was not one of the people who had to bust down doors every day and go through that kind of stress.

Imagine the mental health care needs, the physical health care needs. I do not think we are prepared yet to meet them, and I want to ask my colleague from New York, a member of the Armed Services Committee, someone who is a military historian and studied the kind of strain we are placing on our active duty and our reserve, what are your thoughts on this subject?

Mr. ISRAEL. Well, I thank the gentleman for the question. You know, every Member of Congress prides themselves on the work we do with respect to veterans case work. I know in my district we have two people devoted exclusively to trying to work with veterans, get them their retroactive payment, get them their medals.

We secured over \$2 million in my district in back payments for our veterans, but those are Vietnam veterans. Some of these are World War II veterans, Korean veterans. This country is just now catching up to people who were in the military theater 40 years ago. Just catching up now to those people.

Can you imagine what our situation is going to be where we now have a multitude, a new generation of veterans coming back with post-traumatic stress disorder and other very serious physical and psychological problems, and we have to say to them we are sorry, we know we sent you to the front, but now we have got to balance the budget on your backs because we have run out of money? Just cannot do it as a result of the fiscal policy of the past 6 years.

When the gentleman and I were elected, we had a \$5.6 trillion surplus. We

could have paid for the war in Iraq and then paid for health care for every single soldier that went, so that they did not have to go without the potential of coagulant bandages. So when they came home, they came home to a country that would take care of them.

Now, we have got an \$8 trillion debt, and we have to make painful cuts. The other side has forced us to cut back on those services, forced veterans to dig deeper into their pockets.

Mr. SCHIFF. The gentleman and I were talking just this morning, all three of us, about the need to sacrifice, the need to have leadership in this country, and ask the American people to make a sacrifice.

Right now, the people sacrificing are the people in uniform and their families, but the rest of us can contribute, too. I know you have been at the forefront of calling for our national sacrifice, and we could start by balancing the budget so that these young soldiers, sailors, marines and airmen do not come back, in addition to having to try to put their lives back together, have that huge national debt hanging over their heads.

Mr. ISRAEL. Mr. Speaker, if the gentleman would yield, there is a lot of talk by the administration about the global war on terror and America's fight on the global war on terror. 133,000 of our troops are fighting the global war on terror. They are the ones who have been made to engage in the sacrifice. They are the ones who have been uprooted from their families.

These two gentlemen on the front page of my daily newspaper, they are fighting the global war on terror. The rest of us are watching it on television. America can do better than that. I refuse, and I know the gentleman from California and the gentleman from Georgia should refuse to be the first generation of Americans in history to say let everybody else do it, we will just sit back and relax. We will pass a permanent repeal of the death tax or the estate tax which may cost \$300 billion, and then have the temerity to tell these people on the front page of *Newsday*, sorry, we cannot afford your supplies, we cannot afford to take care of you when you come home. I do not want to be the first generation of Americans to balance the budget on the backs of someone who is on his back in this photograph.

We have an obligation if we are going to fight the Zarqawis of the world, something I believe we should do, to make sure that those who are doing the fighting are protected and make sacrifices at home that save their lives abroad.

Mr. SCHIFF. Mr. Speaker, I have to yield to the gentleman from Georgia.

Mr. SCOTT of Georgia. That is exactly the point we were making earlier in the debate early last week in terms of these tax cuts. I mean, we are here and this administration last week

prides itself at a time when our soldiers are making these kinds of sacrifice, at a time that this administration will stand in the way of the concurrent receipts bill, and forcing our veterans to have to choose if they get injured or they get a wound in the battlefield, and they have to retire from the service, they have to choose between their retirement pay and their disability pay.

This administration is standing in the way of correcting that, and at the same time will ask for tax cuts for the top 1 percent of the most wealthy people in this country, on the backs of not treating our veterans right, on the backs of not increasing the military widows' pay or giving the death benefits that we need or giving the military service people the raise that they need.

This is why I was just so astounded at the glee that came from the Republican administration in passing a tax cut at a time of war, of great sacrifice. Never before in this history has that occurred.

Mr. SCHIFF. If I could ask of the gentleman from Georgia, prior to the Memorial Day weekend, you shared a short anecdote about meeting one of your constituents in Iraq. Can you tell us about that because I think it so characterizes the sacrifice we are talking about.

Mr. SCOTT of Georgia. This was a remarkable experience I had with the soldier in Iraq, and we had to make that choice of staying that night and putting our own selves in greater danger because, you know, going over there, you cannot fly up at night. You have to go by the roads, but we made that choice, and I am so glad because it gave me the experience of a lifetime.

As we were in Camp Victory in Baghdad and we were gathered there, and this soldier came up and was just hugging me. I was hugging him, tears falling down his eyes, tears falling down my eyes, and we were just squeezing each other. He said something to me I will never forget. He said, Congressman SCOTT, when I am hugging you, it is like hugging a piece of home. I almost get choked up every time that happens.

I am so glad that God gave me that experience. I am so glad we went there, and like other soldiers, a while later, that soldier died. That is the kind of sacrifice, and I went over there and looked in the eyes.

Let me tell you another experience. When I was in Afghanistan and I went over there to Afghanistan, at the time when you remember the debate was over that if we had had this kind of body armor, that several thousand marines that have died or got wounded or would have been saved, that story came out. The Pentagon had given that report.

□ 2315

So that was fresh on my mind when I was sitting there with this one unit. And in each one of the squads there is a sniper. There is an armor guy, an ar-

tillery guy, but each one has a sniper who the whole troop depends upon. And I started asking about the body armor and they started going around saying, yeah, we have all our armor on, but our sniper here, he will not wear the neck armor to protect himself from a head wound or a neck wound that would be almost fatal. And I asked him, I said why. He said, I won't wear that because it hurts my agility to be able to move my head to protect my troops. We have had many snipers.

That kind of valor, that kind of courage, that is the kind of sacrifice that we are talking about at a time when we have not asked others in this Nation to make that sort of sacrifice.

Mr. SCHIFF. I am sure that both my colleagues have had the experience of visiting our troops in the hospital in Ramstein, Germany, and here in Washington. Their thoughts are with their colleagues they left behind. They want to get back to their troops to make sure they are there for their buddies.

I had one soldier who was so concerned, could I do something about the fact that one of the people in his battalion really deserved recognition for what he had done, and since he wasn't there to make the report this other soldier would not get the recognition they deserved. This is what he was worried about as he lay in the hospital.

I yield to the gentleman from New York.

Mr. ISRAEL. I spent some time this evening with the gentleman and with one of our best generals, and he was telling the story of visiting with a critically wounded soldier in a military hospital and walking out with that soldier's mother. And the mother said, General, my son is not sleeping at night. And the General said, well, of course he is not sleeping at night, look what he has been through. She said, no, General, he is not sleeping because he is up all night thinking about the fact that his unit is still in Iraq and he is worried about them.

That is the sacrifice that we are talking about and the dedication and the professionalism, and we have an obligation to those men and women to protect them.

If the gentleman would allow me to make a concluding point. This front page newspaper tells the story of contrast, and the same contrast is played out on the floor of the House frequently. You have got this front, top of the newspaper that says "Ann the Ripper Brings Campaign Against 9/11 Widows to Long Island," and then you have the rest of the page devoted to the possibility of front-line shortages of critical medical equipment. These guys get less so that Ann Coulter, who writes a book calling 9/11 widows witches and harpies, who will make a lot of money off the proceeds of that book, can get a bigger tax cut.

How is that fair in America today? How is that just? How does that do justice to these people? It doesn't. We can do better. The Democrats will do bet-

ter. We understand the need to fight and to use hard power around the world to fight totalitarianism and to fight terrorism, but if you are going to take on the fight, you got to take it on with the right supplies. And that is what we are about.

Mr. SCHIFF. I want to thank both my colleagues for joining me this evening and helping to further elucidate the Democratic plan for the way forward in Iraq, for talking about the sacrifice our troops are making, for being there for our troops, and also raising the call that this be a shared sacrifice in the war on terror; that we not force those who have borne the battle to look out for themselves and to pay off our national debt when they get back; that we heed the injunction of Lincoln that we "look after him who has borne the battle and his widow and his orphan."

I want to thank you again for all your leadership.

LONG-TERM CONSEQUENCES OF NAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I wish to especially thank Congressman CARTER for allowing me this special privilege of appearing before he does this evening.

Mr. Speaker, the wonderful time about speaking at this time of day is we get to cover subjects that may not be on the agendas of any committee but are of importance to the American people. Tonight, I want to talk about the long-term consequences of a trade agreement called NAFTA that passed over a decade ago.

We were promised, as the American people, that NAFTA would result in more jobs, trade balances with Mexico and with Canada, and a higher standard of living in all of our countries. Indeed, exactly the opposite has happened. This country has now shipped out over 880,000 jobs, nearly a million jobs and still counting, to Mexico and to Canada, and we have not amassed any trade surpluses but, indeed, have fallen into deep deficit with both countries.

I have a couple of charts here that talk about this. Trade accounts with Mexico prior to NAFTA signing were positive. Every single year since NAFTA's signing, we have gone into deeper and deeper and deeper deficit, now over \$50 billion a year, the largest ever, with each billion dollars representing a loss of 20,000 more jobs in this country.

With Canada, the other country with which we were supposed to experience a trade surplus, we have also fallen into deficit. In fact, we have doubled the deficit that we had with Canada. And what is amazing about this is that every year it gets worse. The American people inherently know this because it is happening to them directly.

At the same time in this country we have increasing illegal immigration,

much of it from south of our border. What is interesting, most of the debate about immigration doesn't even touch on NAFTA. Yet if you look at what NAFTA has caused inside of Mexico, over 2 million peasant farmers have been displaced and another 500,000 more are coming each year. And why is that? Because the very small farmsteads of Mexico, in the Sinaloa Valley all the way down to Xcalas and Oaxaca are being destroyed.

The agricultural provisions I tried to get into NAFTA back in 1993 were never allowed to be considered on this floor. If we had done that, we would have been able to address the tragedy that is occurring in Mexico, which is the complete elimination of their small holders and their farmers. I call it a continental sacrilege, the heartlessness that is embedded in NAFTA that is costing jobs in our country, costing jobs in Canada, costing the loss of life as people flee to try to feed themselves, as their whole way of life is being totally destroyed in Mexico.

This week something very important happened. In the city of Ottawa, Canada, the capital city of our sister state up north, a major meeting was held between parliamentarians of the United States, Canada, and Mexico to begin to push back a continental effort to reform NAFTA. Both legislators, like myself, and representatives of those two governments, along with civil society groups met in Ottawa to halt NAFTA-plus, the expansion of NAFTA, something being called the Security and Prosperity Partnership.

Instead, at a press conference in Ottawa on Monday, we announced that networks from across Canada, the United States, and Mexico are going to unveil a plan to bring an end to the kind of deep damage that NAFTA is causing in all three countries and replace it with a people-centered trade model. As I said in my remarks in Canada, trade agreements in North America must ensure rising standards of living and increase jobs in all of our countries.

We met this week in Ottawa, and that meeting followed one we held last year in this city of Washington, D.C. This was our second forum. We will have a third in Ottawa a year from now, and likely a meeting in Mexico City in August.

As one of our parliamentarians said, NAFTA has aggravated poverty across our continent. And the new Democratic Party Parliamentarian, Peter Julian of Canada said, "There is no doubt that under NAFTA, most Canadians are poorer. We have been fighting to make adjustments," he said, "and now it is clear that NAFTA has to be replaced." It is not working for the vast majority of the inhabitants of North America. It has failed on the bottom line.

In anticipation of a summit that will be held in Ottawa in March 2007, called the "Three Amigos Summit," our group will create a North American secretariat to prepare for counter in-

formation and counterproposals and introduce simultaneous legislation in this chamber in Ottawa and in Mexico City to replace NAFTA. We will build opportunities for public engagement in civil society across this continent on the issue of proper continental integration.

Mr. Speaker, a new charter for the people of the Americas is being drafted, one that will result in more democracy, more cooperation, more development for rising standards of living, not more loss of jobs and greater trade deficits.

NEW IMMIGRATION LAWS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. CARTER) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. CARTER. Mr. Speaker, I thank you for allowing me to be here tonight and for allowing me to address this House on an issue that I feel is probably a life-changing issue to the United States of America. It is a life-changing issue for what is somewhere estimated to be between 11 and 15 million people who have entered and are living in this country illegally. And it is a life-changing issue, I think, for every American.

As we are in a time of concern about national security and great expenditures on homeland security, we have got a crisis on our border. I am not going to go too much in detail about this crisis, because anybody that turns on the television these days can see pictures of hundreds of people storming past our border patrols on our southern border as they leave Mexico. Most of those pictures come from Arizona.

In the last about 9 months, I have visited the Texas border on three occasions. Twice I went down to Laredo and visited with the border patrol and all those persons involved in immigration in the Laredo section of the Texas border. This past weekend, I went with the deputy whip, ERIC CANTOR, down to El Paso, and with other members of a congressional delegation, to discuss the issue of what is going on in the El Paso sector of the Texas border.

We have got an estimated 16,000 people crossing our border every night or every day coming into the United States. These are 16,000 people most of whom are not caught and most of whom are entering this country, for what purpose we know not, Mr. Speaker. We can't presume that every one of them, as has been just a moment ago described, are poor impoverished workers coming here looking for a job. Many of them are. But we don't know who these people are, and we don't know why these people are here in every instance, because we have done nothing to inquire as to their purpose or who they are or what they are coming up here for because our system has been overwhelmed.

We are now going into conference, the House and Senate, with our colleagues over in the Senate, on two versions of what we think needs to be done to address the issue that is facing this Nation right now on immigration. I want to propose to this House and to the Members of this House that we have already addressed many of the issues in 1986 in a bill, that I am aware the Speaker here tonight was involved in.

Mr. Speaker, I have looked at that. I have actually gone out and pulled up the law and looked at what we are operating under today, and I find it is very curious that there is a lot of very good enforcement procedures in this bill, the 1986 bill. There are things in that bill, if they had been done and done correctly, we would not be addressing this massive intrusion across our southern border.

But what has happened? What reason has this gone on? My whole point of this speech here tonight is to say it is time for us, I think, to slow down and address a life-changing issue in detail and see where the system has been overwhelmed in the past and make sure that we don't make the mistake that I think democracy makes a lot in the legislative process of taking something, sticking a bunch of new patches on it, and hoping it will solve the problem. Patches on an old used tire almost inevitably start to leak at some point in time, and then rupture, and the tire goes flat.

I think when it comes to immigration laws, it is time to buy a new tire, not just put in a patch tube or stick patches on the tire. We need to look at our immigration laws of this country from top to bottom and in a very businesslike and studious manner, come up with solutions for the problems that are going to face the people that I have described here tonight.

There is estimated, as I said, 11 to 15 million people that have come into this country. The other day we were on the border in a place where there was a triple fence and a ditch at our border.

□ 2330

A very interesting aside, it was explained to us in El Paso, the construction of that fence and ditch, which has been there now quite awhile, but when that was put up, street crime in El Paso dropped so substantially that El Paso went from one of the worst street crime cities in the Nation of a population of over 500,000 and less than a million, to today, after construction of the fence, street crime in El Paso, Texas, has improved so drastically it is now the third safest city of that size in the United States. And that is clearly reflected by everyone in law enforcement in that town as a result of 17 miles of fence in the populated area of El Paso.

So the proposals for fencing that the House bill has, for instance, fencing in the populated areas, have an effect on the lives of the people that live in that

city. The people who go to work, take their kids to the park, to school, are safer in El Paso, Texas, because of 17 miles of fence.

Now about 60 people a night still try to cross that fence. They catch most of them.

In the conversation somebody asked: How many didn't you catch? They said that would be speculation, and they weren't going to speculate because that wouldn't be proper. One of the comments behind me was we know somewhere between 11 and 15 million they didn't catch. That is what we have to look at as we look at this thing.

The system we have today has totally failed. It can be blamed on every administration since this bill was passed that they did not either provide the resources or the bureaucrats were overwhelmed by the problem; and when overwhelmed, just did not address it. Or addressed it in a minimum amount.

Now, I think by that experience that we have had, and we learn from experience, we should know that overwhelming the system will cause the system to shut down and not work. The Senate bill, I would propose the things that we have heard, and unfortunately I have not been able to get a copy of what they are proposing yet, but I will be back on this House floor to discuss it when I get it, but some of the things that they are proposing, and with all due respect to the Senate, I would like to say that I do not think they have thought out some of the things that they have done here.

If we have a system that cannot process effectively, that clearly has not processed protection of our borders for people trying to come into this country illegally, how can we take that system and dump between 11 and 15 million people into that system to try to come up with an amnesty for them? How can we process them with the people we have in the immigration department? If it is overwhelmed today, how can we dump that many people in the system and expect it not to be overwhelmed tomorrow?

If the idea that you might get amnesty increases our border crossings from the approximately 2 to 3 million people that were dealt with during the Reagan administration to the 11 to 15 million people that are here today, how can processing those people and the additional waves that will come across without border security, how can the system but be overwhelmed by that process?

The citizenship issue is very interesting. Americans who are qualified to be in this country legally are making application for citizenship, are finding unbelievable delays in the processing that goes on through our immigration department so that they can meet the qualifications of citizenship. In fact, some of that processing is as much as 6 years behind.

In the San Antonio office, those trying to bring people into this country legally are finding delays from 18

months to 10 years to bring people into this country legally. Background checks, which we have about 200 to 250 cases in my office alone, requesting background checks on the process of bringing someone to this country, in the San Antonio office we have been told they are processing 1998, 1999 and 2000 cases. This is 2006. So in the best-case scenario, they are 6 years behind; and in some cases they are 7 and 8 years behind.

How can that system do background checks on 15 million people or 11 million people that are currently in this country to make sure that their background is such that they should be allowed to remain in this country and be American citizens? How can that system even take 2 to 300,000 people in a guest worker program and do the background check processing to make sure that the people coming in as guest workers are safe for our American citizens? Even that number, what will that do to the background checks being required?

And let's not forget that we also require that every person wishing to come into the United States as an immigrant must have a medical exam to make sure that they are not bringing communicable diseases or other illnesses into this country that we want to prevent from coming into this country. Without even going into the possibility of a pandemic if there should become an avian flu pandemic from the avian flu virus, and it is estimated there could be the death of 200 million people as a result, let us just look at the fact that the World Health Organization has told us that there is a strain of tuberculosis in Mexico and South America that right now we can't cure with our existing drugs to stop tuberculosis because it has mutated to a point we cannot cure this form of tuberculosis.

How do we know about the health of these people that are here and those people wanting to come here in the program that the Senate has? We have to know. If we have to know, we have to process them. If we are already overwhelmed, how are we going to be able to meet the demand that is going to come to the system?

What do we know that happens when we overwhelm the system? We know nothing happens when we overwhelm, and we remain with the status quo.

I would argue that is the result of what happened to what was a good bill in 1986. When I go to Texas and I am addressed by many members of the press, they ask me what about making these people's behavior illegal.

You know, Mr. Speaker, maybe I am a little different, but I kind of grew up in a system when you talked about the law, you checked the law to see what is in it. I found, and you will hear that being in the United States illegally, in other words they have caught you after, and they can't identify that you came across the border illegally, that is a civil process and has a process for

removal. But what you do not read is if you are caught coming across the border, it is an illegal process. It is illegal to enter the United States in any form or fashion without proper identification.

First crossing carries a possibility of a fine and up to 6 months incarceration. But normally and properly, most of these people are just removed.

Harboring an undocumented alien under the bill we are operating under now carries a fine and imprisonment of up to 5 years.

Alien smuggling carries a fine and imprisonment of up to 10 years. Any crime that causes serious bodily injury or places the life of anybody in jeopardy, and that includes the person being transported, it carries a penalty and fine of up to 20 years' imprisonment.

If criminal smuggling or harboring results in the death of any person, the penalty includes life in prison. This is the law today, right now what is on the books.

Felony charges punishable by fines and imprisonment of not more than 2 years are applicable to reentry. So if you have come in once and you have been caught and documented and you are caught reentering, you can get up to 2 years in prison or jail.

Reentry after a previous nonaggravated felony or three misdemeanor entries or convictions results in a fine and imprisonment of up to 10 years.

So those who say, why is the bill that the House passed wanting to criminalize this activity, we are not criminalizing the activity. It is already criminal. We need to make ourselves very clear. Having evidence that you crossed the border illegally, acceptable, provable evidence, which is basically catching you doing it, can result in the penalties in the various categories that I just read. This is illegal behavior. Let's not kid ourselves about what this is.

What have been some of the solutions we have come up with that are overwhelming the system? One is removal by deportation. You know, one of the things that I think is of most concern to people when they hear about it is what they call in the immigration business, in the border business, OTMs, people from other than Mexico.

Let me stop right here and say this because it is a question that comes from my Hispanic counsel, and I want to say that everything I am saying about the southern border I also agree with on the northern border. Just recently, very recently from the time I am talking right now, we found a major terrorist cell planning major attacks in Ottawa, Canada. There are bad guys to the north of us, and there may be bad guys to the south of us.

When we are talking about this, we are talking about illegal immigration, whether it be from Canada or Mexico, comes in on a ship or airplane. It is anyone who violates the law and overstays their welcome and hides out

and is of concern to every American citizen that is here.

Mr. Speaker, we need to realize that putting a patch on a system that already works, and that patch includes the possibility of dumping between 200,000, 300,000 people, or up to 15 million people into an overwhelmed system, is basically going to result in the same results we have had since 1986: nothing is going to get done.

Now I would argue to this House that I believe there is a great degree of experience and intelligence in both the House and Senate; and well-intentioned people on both sides of the aisle, if given the opportunity to study in detail and look where the holes are, without knee-jerk reacting and being in a hurry, we can come up with a plan and the resources necessary to implement that plan so we can actually do what we are setting out to do, and that is protect our Nation from intrusions across our border and protect the sovereignty of the United States and deal fairly and equitably and compassionately with the people who are involved in this behavior.

Mr. Speaker, let me make myself extremely clear. I do not intend to support nor do I support rewarding illegal behavior. I spent 20 years of my life punishing illegal behavior as a district judge in Texas. And those people who know the county I come from, Williamson County, know that Williamson County judges and juries punish severely criminal behavior. Maximum sentences are fairly well the norm in the county that I come from.

So I certainly am not going to change careers to Congress and start rewarding criminal behavior.

□ 2345

And I am very concerned that some of the things that are coming to us in the Senate bill are rewarding criminal behavior, especially as you compare it to those people who are fighting this broken process of coming in here legally, because they are going to get to have sneaked across the border, hid out long enough that they get in line for citizenship, in some form or fashion, whatever delays and punishment or fines or back taxes or whatever you impose upon them, they are still getting a reward for criminal behavior.

So I think as we design a system we need to take that into account and realize that we can do and deal with these families and these people compassionately. We can make common-sense decisions as to how to handle, for instance, the problem of children who are born to a family of illegals who are now American citizens and how we would deal with that. And common sense would say that would take special categories and special dealings. But Mr. Speaker, my experience in Texas, and I think the experience of anyone who has lived in a State where this issue has been for my entire life. This is not something that I have been dealing with, as some States have, for

the last 8 or 10 years. In the State of Texas, the issue of illegal aliens coming across our border has been with us since my birth, and so we are very familiar with these people and we know, many of them are great people, God-fearing people who work very hard. And I am proud to say that I have worked side by side building fence with people who I knew were illegal immigrants. And I will tell you they are hard working good people, the ones that I have encountered. This has nothing to do with being against those people. I am against rewarding illegal behavior.

I have talked about some of the things that will overwhelm the system, the processing of amnesty, the processing of this ID card which we can do, and I agree we can do, but the processing in the present system will overwhelm it. The process of the whole guest worker program and what it takes to get the people properly documented so they can do this is going to require a tremendous amount of additional work on those who are in charge of that system. And are we providing for them? Are we going to be ready for that? Can we deal with that? We are not ready for that. We have got to address that more in detail.

The background checks, I can't tell you how far behind that is going to get, but it is going to get 10 or 15 years behind. The health checks should be and necessarily need to be required.

Some of the provisions that really have upset people back in Texas that I have talked to, and let me say, I have not talked to a single person, and I have talked to a bunch of them, that live in Texas that aren't completely overwhelmed by the Senate version that has been passed and just totally against it. One example is, I understand the Senate has a provision for retroactive Social Security payment to illegals.

Now, you tell that to Texas teachers, or for that matter, Federal employees, who don't get their Social Security by the nature of their retirement, that they are going to reward people who broke our laws on multiple occasions by giving them retroactive Social Security. I am telling you, I have got some teachers that are fighting mad about that issue in Texas. And I think if the Federal employees, which make up the vast majority of the people who are in that hole that don't get their Social Security, will also be very concerned about the fact that we are offering to give people who broke our laws Social Security, when people who have abided by the laws, at least in their opinion, feel like they have been deprived of money they paid into the Social Security system.

You know, when you come in here legally, there are some things you have to do. My wife is a legal immigrant to the United States and now an American citizen, so no one should ever accuse me of being anti immigrant. I married one. I have four children with

one, four living children with my beautiful wife.

My district director is married to a Canadian. They have two children. It took us 18 months to get his wife from Canada to Texas, doing it legally. Now, she could have hopped in her car, with that blonde haired, blue eyed, almost golf pro from Canada, she was probably one of the top amateur golfers in the country, a scholarship athlete at a university in the United States and went back home and had her children, and now we had to get them out of Canada to be with her husband in Texas. It took us 18 months. And she cannot work at all by agreement for a year. And then she can apply to possibly go to work, but maybe they won't let her work for the next year. She has to register and reapply every year annually to maintain her status in the United States. This is a person whose background check showed she never even had a parking ticket in her life, much less anything. But the background check took forever.

A person who flew from Northern Saskatchewan to Montreal to have her interview with the Immigration Department and flew back. She went through all the hoops to come in here. She is denied employment for a year. She has to register every year. She is required to have a sponsor who will stand up and say they will be responsible for the expenses that she might incur so that she will not be put on the welfare system of our country.

And yet, people who come in here illegally are taking advantage of every program that is out there, including an overwhelming of our hospital system. You know, we all would like to have free medical care in this country, but there are some who have it, and many of those people are not citizens of this country. And there is a something out of whack on that, Mr. Speaker.

And let me say, I want to preface all this by saying, I am compassionate for the people that are here and I care about them. And I think this system so overwhelms our system, what the Senate is proposing, that it is going to overwhelm these shy people. And let me tell you, most of them are very shy and staying in the shadows because they know they are here illegally. And if anything is too much for them, I do not expect them to participate.

I will also tell you, Mr. Speaker, having talked to many illegal immigrants about where they come from, what they are here for, there are many of these people that didn't come here for citizenship and don't care to get it. So citizenship is not going to be a plum that brings them out of the shadows.

The fact that the Senate has put a provision in on prevailing wage shows that they really don't understand why people have hired these folks from Mexico and from Honduras and Guatemala and Nicaragua and all points south. If they needed to hire somebody for prevailing wage to pick fruits in the central valley of California, if they

were going to pay, if the pickers intended to pay prevailing wage, which by every interpretation of the 22 Federal contracts that I have worked on as a lawyer in my lifetime, and at least the five cases that I can recall that were before my court, prevailing wage, no matter whether you mention Davis Bacon or not, is presumed to fall under the provisions of Davis Bacon and the rulings made by the Labor Department as to which each region has as prevailing wage.

And believe me, Mr. Speaker, minimum wage is not there. I can tell you that anywhere in the valley, Rio Grande Valley you can pour a slab for minimum wage. But if you are under a Federal contract, you will pay at least three times what you can pour any slab for in the valley, because the Davis-Bacon Act and the prevailing wage provision requires that kind of expense.

So, by putting that in there, right there, there are going to be a lot of people that say I don't want any part of that because I am going to lose my job if my employer is required to pay that kind of wage to me. So I will stay right here. And if they do try to get that wage, I think, unfortunately, there are people, even with employer sanctions, that are still going to be looking for that next wave of illegal immigrants to come across our southern border.

So, with all these problems, I would like to propose to this House that we consider doing this right. All these issues as to the people that are already here illegally, and the people that are coming across every night, and the people who would be willing to come over here as part of a work program, all of these issues need to be, we need to step back and look at all the holes that is in what we are proposing today and try to figure out how we can put together a system that will really work to solve these problems.

So I propose that the House bill and those Senate provisions which enhance border security that are in the Senate provision, Senate bill, should be what we pass out of conference to this floor to be voted into law today. And I would also propose, Mr. Speaker, that in that bill, we give a pledge, you can call it a contract with the immigration community, that we will expedite a study and solution that works, that doesn't overwhelm, that has the resources to make this whole system work over the next 12 to 18 months as a dedication of this House to fix this problem correctly, not 2 weeks debate in the Senate, and put patches on a leaking tire.

Mr. Speaker, if we will calm down, defend our borders and address each of these issues in an appropriate order to come up with sanctions for employers and means to identify these people that have a valid reason to working and a valid card, some kind of biometric thing, if we will create those things, and as we do it, say, and how is this system going to work and maybe we have to do something else to make that

system work. Does it take an FBI agent to do every background check? I think that is a question that needs to be addressed.

I think there are a lot of questions that are coming up in what I would consider a rushed decision to judgment on immigration, and we are still leaving the base of what we call legal immigration totally and completely unworkable. And many of our work visa programs that we have in this country that want to bring this some of the technical workers that we really need here are overwhelmed also to the point where they become unmanageable for the people involved.

With this, I propose, Mr. Speaker, that we think hard about giving a pledge to the American people and to the immigrant community that we will work out a workable system fair to Americans and fair to those people that are here. I don't know what it will be. I have ideas. There are many great men and women in this House and in the Senate who have good ideas too. And we can study those ideas, bring in experts, get the real numbers, know what the real problems and the real solutions to these problems, slow down and do it right because, Mr. Speaker, if we don't do it right, nothing will change in the immigration policy of this country, and nothing will change on our borders. And that is a fear that I, quite frankly, do not think the American people are willing to live with.

And finally, Mr. Speaker, with all those thoughts about immigration, you and I know, as I know you well, you are very concerned about the security, the homeland security of this country. And Mr. Speaker, all of that has to be planned in here so we know who is coming and who is not and who we didn't catch and how to hunt them down so the terrorists and the people who would do us harm or just the common criminals who come here to steal, rob, rape, pillage and whatever they plan to do, we know them, we can find them, we can incarcerate them, we can give them a fair trial like we give everybody that is inside the continental United States or subject to our jurisdiction and deal with them properly. But the unknown is intolerable.

So Mr. Speaker, I realize the hour is late, and the reason I am here late is because I think this message is so very important to the American people. Let's pass border security and let's make a proper effort to come up with a solution to these problems, not a patch.

And with that Mr. Speaker, thank you for being here with me tonight and thank you for the late hour.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Ms. PELOSI) for today on account of illness in the family.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for June 6 and until 5:00 p.m. on June 7 on account of personal business.

Mr. MCHUGH (at the request of Mr. BOEHNER) for today after 8:00 p.m. and June 9 on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MARKEY) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. SNYDER, for 5 minutes, today.

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today.

Mr. CONAWAY, for 5 minutes, today.

Mr. BISHOP of Utah, for 5 minutes, today.

Mr. GARRETT of New Jersey, for 5 minutes, today.

Mr. SODREL, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 193. An act to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 2803. An act to amend the Federal Mine Safety and Health Act of 1977 to improve the safety of mines and mining.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Friday, June 9, 2006, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7902. A letter from the State Director, Department of Agriculture, transmitting the Department's report entitled, "Community and Business Programs Project List" cumulative through September 30, 2005; to the Committee on Financial Services.

7903. A letter from the Secretary, Department of Housing and Urban Development, transmitting a copy of proposed legislation concerning improvements to the rules designed to reduce lead-based paint in housing; to the Committee on Financial Services.

7904. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's authorization request for fiscal years 2007 and 2008, pursuant to 31 U.S.C. 1110; to the Committee on Financial Services.

7905. A letter from the Secretary, Department of Energy, transmitting a report on the implementation of section 1610(b) of the Energy Policy Act of 1992, as amended by the Energy Policy Act of 2005, which calls for the establishment of a cabinet-level Committee on Climate Change Technology chaired by the Secretary of Energy; to the Committee on Energy and Commerce.

7906. A letter from the Deputy Chief Financial Officer, Department of the Treasury, transmitting a copy of the Department's Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2005, pursuant to 42 U.S.C. 13211-13219; to the Committee on Energy and Commerce.

7907. A letter from the Architect of the Capitol, transmitting a written statement of actions taken on the Government Accountability Office report, "Architect of the Capitol: Addressing Staffing and Training Issues Is Important for Efficient and Safe West Refrigeration Plant Operations," pursuant to 31 U.S.C. 720; to the Committee on House Administration.

7908. A letter from the Assistant Attorney General, Department of Justice, transmitting a copy of a report required by Section 202(a)(1)(C) of Pub. L. 107-273, the "21st Century Department of Justice Appropriations Authorization Act," related to certain settlements and injunctive relief; to the Committee on the Judiciary.

7909. A letter from the Staff Director, United States Sentencing Commission, transmitting a copy of the 2004 Annual Report and Sourcebook of Federal Sentencing Statistics, pursuant to 28 U.S.C. 994(w)(3); to the Committee on the Judiciary.

7910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-24252; Directorate Identifier 2006-NM-062-AD; Amendment 39-14528; AD 2006-05-11 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 500, 700, and 800 Series Turbofan Engines; Correction [Docket No. FAA-2006-23604; Directorate Identifier 2005-NE-49-AD; Amendment 39-14498; AD 2006-05-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310-200 and -300 Series Airplanes [Docket No. FAA-2006-23870; Directorate Identifier 2005-NM-022-AD; Amendment 39-14575; AD 2006-09-05] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 900EX Airplanes [Docket No. FAA-2006-

23886; Directorate Identifier 2005-NM-255-AD; Amendment 39-14574; AD 2006-09-04] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-300, 747-400, 747-400D, and 747SR Series Airplanes [Docket No. FAA-2005-23358; Directorate Identifier 2005-NM-206-AD; Amendment 39-14576; AD 2006-09-06] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Airplanes [Docket No. FAA-2006-23762; Directorate Identifier 2005-NM-226-AD; Amendment 39-14580; AD 2006-09-09] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2006-23820; Directorate Identifier 2005-NM-249-AD; Amendment 39-14578; AD 2004-03-15 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, and A340-300 Series Airplanes; and A340-541 and A340-642 Airplanes [Docket No. FAA-2005-22973; Directorate Identifier 2004-NM-67-AD; Amendment 39-14577; AD 2006-09-07] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310-200 and A310-300 Series Airplanes [Docket No. FAA-2005-22739; Directorate Identifier 2005-NM-098-AD; Amendment 39-14583; AD 2006-09-12] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-100 and A320-200 Series Airplanes; and A320-111 Airplanes [Docket No. FAA-2006-23948; Directorate Identifier 2005-NM-246-AD] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-233-AD; Amendment 39-14585; AD 2006-10-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Air-

planes [Docket No. FAA-2005-22624; Directorate Identifier 2004-NM-81-AD; Amendment 39-14586; AD 2006-10-02] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7922. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; MD Helicopters, Inc. Model 600N Helicopters [Docket No. FAA-2006-24518; Directorate Identifier 2006-SW-10-AD; Amendment 39-14569; AD 2006-08-12] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7923. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727, 727C, 727-100, and 727-100C Series Airplanes [Docket No. FAA-2005-23313; Directorate Identifier 2005-NM-111-AD; Amendment 39-14573; AD 2006-09-03] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7924. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2006-24586; Directorate Identifier 2006-NM-100-AD; Amendment 39-14579; AD 2006-09-08] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7925. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes Equipped with Pratt & Whitney Engines [Docket No. FAA-2006-24557; Directorate Identifier 2006-NM-082-AD; Amendment 39-14572; AD 2006-09-02] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7926. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SR, and 747SP Series Airplanes [Docket No. FAA-2005-23441; Directorate Identifier 2005-NM-199-AD; Amendment 39-14571; AD 2006-09-01] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7927. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes) [Docket No. FAA-2006-24364; Directorate Identifier 2004-NM-272-AD; Amendment 39-14534; AD 2006-07-07] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7928. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model SA-365 N1, AS-365 N2, N3, SA 366 G1, and EC-155B and B1 Helicopters [Docket No. FAA-2006-24588; Directorate Identifier 2006-SW-07-AD; Amendment 39-14581; AD 2006-09-10] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7929. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-802 and AT-802A Airplanes [Docket No. FAA-2005-20591; Directorate Identifier 2005-CE-14-AD; Amendment 39-14565; AD 2006-08-09] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7930. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-400, AT-401, AT-401B, AT-402, AT-402A, and AT-402B Airplanes [Docket No. FAA-2006-23646; Directorate Identifier 2006-CE-05-AD; Amendment 39-14563; AD 2006-08-08] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7931. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2004-19220; Directorate Identifier 2004-CE-27-AD; Amendment 39-14568; AD 2006-08-11] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7932. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat (formerly Farner); Cabin Attendant Seats Series 150 type FN and Series 151 type WN [Docket No. FAA-2005-22109; Directorate Identifier 2005-NE-32-AD; Amendment 39-14557; AD 2006-08-03] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7933. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Mark 1000 Airplanes [Docket No. FAA-2006-24429; Directorate Identifier 2006-NM-003-AD; Amendment 39-14559; AD 2006-08-05] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7934. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model GIV-X and GV-SP Series Airplanes [Docket No. FAA-2006-24438; Directorate Identifier 2006-NM-061-AD; Amendment 39-14560; AD 2006-04-13 R1] (RIN: 2120-AA64) received May 30, 2006, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7935. A letter from the Administrator, FRA, Department of Transportation, transmitting the Department's report entitled, "Pilot Programs for Emergency Notification Systems (ENS) at Highway-Rail Grade Crossings," pursuant to Public Law 103-440, section 301(a); to the Committee on Transportation and Infrastructure.

7936. A letter from the Commissioner, Social Security Administration, transmitting the 2006 Annual Report of the Supplemental Security Income Program, pursuant to Public Law 104-193, section 231 (110 Stat. 2197); to the Committee on Ways and Means.

7937. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's report entitled, "Determining Average Manufacturer Prices for Prescription Drugs under the Deficit Reduction Act of 2005"; jointly to the Committees on Energy and Commerce and Ways and Means.

7938. A letter from the Director, National Film Preservation Foundation, transmitting the Foundation's Report to the U.S. Congress for the Year Ending December 31, 2005; jointly to the Committees on the Judiciary and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McKEON: Committee on Education and the Workforce. H.R. 5293. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 2007 through 2011, and for other purposes; with an amendment (Rept. 109-493). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEWIS of California: Committee of Conference. Conference report on H.R. 4939. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes (Rept. 109-494). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. BERMAN):

H.R. 5553. A bill to amend section 115 of title 17, United States Code, to provide for licensing of digital delivery of musical works, and for other purposes; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mrs. MILLER of Michigan, Mr. WICKER, and Mr. TIAHRT):

H.R. 5554. A bill to amend the Occupational Safety and Health Act of 1970 and the Federal Mine Safety and Health Act of 1977 to prohibit the promulgation of safety and health standards that do not meet certain requirements for national consensus standards; to the Committee on Education and the Workforce.

By Mr. BURGESS (for himself and Mr. GENE GREEN of Texas):

H.R. 5555. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. WYNN, Mrs. BONO, Mr. ENGLISH of Pennsylvania, and Mr. MELANCON):

H.R. 5556. A bill to establish a unified national hazard alert system, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mr. DEFAZIO):

H.R. 5557. A bill to promote the humane treatment of farm animals; to the Committee on Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself, Mr. YOUNG of Alaska, Mr. MICA, Mr. BAKER, Mr. DEFAZIO, Mr. GARY G. MILLER of California, Ms. BERKLEY, Mr. SHUSTER, Mr. BOOZMAN, Mr.

WESTMORELAND, Mr. BOUSTANY, Mr. PETERSON of Minnesota, Mr. AKIN, Mr. DAVIS of Tennessee, Mr. SCOTT of Georgia, Mr. NEUGEBAUER, Mrs. BLACKBURN, Ms. HARRIS, and Mr. SESSIONS):

H.R. 5558. A bill to amend the Federal Water Pollution Control Act to provide more effective permitting and enforcement mechanisms for stormwater discharges associated with residential construction activity; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Wisconsin (for himself, Mr. SESSIONS, Mr. MOORE of Kansas, and Mr. HERGER):

H.R. 5559. A bill to improve the exchange of health information by encouraging the creation, use, and maintenance of lifetime electronic health records in independent health record banks, by using such records to build a nationwide health information technology infrastructure, and by promoting participation in health information exchanges by consumers through tax incentives; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN:

H.R. 5560. A bill to amend title 49, United States Code, to limit fees imposed in connection with background checks for the issuance of licenses to operate a motor vehicle transporting a hazardous material, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. RENZI):

H.R. 5561. A bill to provide housing assistance for very low-income veterans; to the Committee on Financial Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. PASCARELL, Mrs. MALONEY, and Mr. MICA):

H.R. 5562. A bill to direct the Joint Committee on the Library to obtain a statue of Constantino Brumidi for display in the Capitol Visitor Center; to the Committee on House Administration.

By Ms. DELAURO (for herself, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. EMANUEL, Mr. FATTAH, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Ms. LEE, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. OWENS, and Mr. WAXMAN):

H.R. 5563. A bill to amend the Federal Food, Drug, and Cosmetic Act to extend the food labeling requirements of the Nutrition Labeling and Education Act of 1990 to enable customers to make informed choices about the nutritional content of standard menu items in large chain restaurants; to the Committee on Energy and Commerce.

By Ms. HERSETH:

H.R. 5564. A bill to facilitate economic growth and development and to promote Tribal sovereignty, by encouraging a dramatic increase in the number of individuals

with higher education degrees working within and for Indian Country; to the Committee on Education and the Workforce.

By Ms. HERSETH:

H.R. 5565. A bill to enhance and provide to the Oglala Sioux Tribe and Angostura Irrigation Project certain benefits of the Pick-Sloan Missouri River basin program; to the Committee on Resources.

By Ms. HERSETH:

H.R. 5566. A bill to facilitate the transfer of Spearfish Hydroelectric Plant Number 1 to the city of Spearfish, South Dakota, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LOBIONDO:

H.R. 5567. A bill to clarify the classification of certain high-density fiberboard, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 5568. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Mr. KIRK (for himself and Mr. ANDREWS):

H. Con. Res. 425. Concurrent resolution expressing the sense of Congress that the crisis regarding Iran's nuclear program should be resolved primarily through diplomatic means; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mrs. CAPPS, Mr. DELAHUNT, Mr. CASE, Mr. FARR, Mr. DAVIS of Florida, Ms. PELOSI, Mr. GILCHREST, Mr. GEORGE MILLER of California, and Ms. ESHOO):

H. Res. 856. A resolution recognizing the national marine sanctuaries program as critical to managing the ocean and Great Lake resources of the United States, and commending local and State partners and volunteers of the program for their contribution; to the Committee on Resources.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

321. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 35 memorializing the Congress of the United States to take such actions as are necessary to continue funding and operation of the United States Department of Agriculture's Agricultural Research Service located in Baton Rouge, Louisiana; to the Committee on Agriculture.

322. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 27 urging the Congress of the United States to protect the rights of all American women to receive equal pay for equal work, and to continue to provide effective remedies to victims of discrimination in the payment of wages on the basis of sex; to the Committee on Education and the Workforce.

323. Also, a memorial of the House of Representatives of the State of Kansas, relative to House Resolution No. 6019 memorializing the Congress of the United States, the Department of Education and the Kansas State Board of Education concerning the No Child

Left Behind Act; to the Committee on Education and the Workforce.

324. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 60 urging the Congress of the United States to provide states with the necessary funding to implement the goals of the No Child Left Behind Act of 2001 and other education-related programs and to offer states waivers or exemptions from related regulations when federal funding for elementary and secondary education is decreased; to the Committee on Education and the Workforce.

325. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 61 urging the Congress of the United States to support changes to the No Child Left Behind Act of 2001; to the Committee on Education and the Workforce.

326. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 103 urging the Congress of the United States and the Department of Education to support the goals of the No Child Left Behind Act (NCLB) by increasing funds for federal education initiatives and affording more flexibility to states in relation to NCLB; to the Committee on Education and the Workforce.

327. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 616 recognizing the month of May 2006 as "Amyotrophic Lateral Sclerosis Awareness Month" in Pennsylvania and urging the Congress of the United States to enact legislation to provide additional funding for research in order to find a treatment and a cure for ALS; to the Committee on Energy and Commerce.

328. Also, a memorial of the General Assembly of the State of Vermont, relative to House Joint Resolution No. 76 urging the Congress of the United States to promote and diversify the automotive and machine-tool sectors of our national economy; to the Committee on Energy and Commerce.

329. Also, a memorial of the House of Representatives of the State of New Hampshire, relative to House Resolution No. 13 condemning the genocide in the Darfur region of Sudan and calling upon the President, the State Department and the Congress of the United States to unite the international community to end the genocide in Darfur; to the Committee on International Relations.

330. Also, a memorial of the House of Representatives of the State of Iowa, relative to House Resolution No. 122 requesting the Congress of the United States give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations; to the Committee on International Relations.

331. Also, a memorial of the House of Representatives of the Commonwealth of The Mariana Islands, relative to House Resolution No. 15-33 expressing support for the passage of S. 1954, the Insular Possessions Act of 2005; to the Committee on Ways and Means.

332. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 41 memorializing the Congress of the United States to redirect and make available to Louisiana federal contingency funds that were set aside through the Temporary Assistance For Needy Families (TANF) Emergency Response and Recovery Act of 2005 to be drawn by states receiving and hosting residents of Louisiana, Alabama, and Mississippi that were displaced by Hurricane Katrina and Hurricane Rita which remains used; to the Committee on Ways and Means.

333. Also, a memorial of the Legislature of the State of Kansas, relative to House Concurrent Resolution No. 5042 urging support of the "25 x 25" initiative; jointly to the Com-

mittees on Agriculture, Energy and Commerce, and Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LOBIONDO:

H.R. 5569. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2000; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5570. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1998 through 2004; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5571. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 1997 through 2005; to the Committee on Ways and Means.

By Mr. LOBIONDO:

H.R. 5572. A bill to provide for the liquidation or reliquidation of certain entries relating to high-density laminate panels entered from 2000 through 2005; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. BOUSTANY, Ms. MCKINNEY, Mr. MELANCON, and Mr. HAYWORTH.

H.R. 25: Mrs. DRAKE.

H.R. 180: Mr. FRANKS of Arizona.

H.R. 215: Mr. BISHOP of New York and Mr. BOEHLERT.

H.R. 269: Mr. LOBIONDO.

H.R. 311: Mr. FRANK of Massachusetts.

H.R. 552: Mr. JINDAL.

H.R. 615: Mr. HAYWORTH.

H.R. 697: Mr. KENNEDY of Minnesota.

H.R. 713: Mr. LUCAS.

H.R. 752: Mr. WYNN.

H.R. 817: Mr. POMEROY, Mrs. JONES of Ohio, Ms. HART, and Mr. WELDON of Florida.

H.R. 838: Mr. PAYNE and Mr. BOUCHER.

H.R. 874: Mr. BURGESS and Mr. PEARCE.

H.R. 910: Ms. MCKINNEY.

H.R. 998: Mr. TIAHRT.

H.R. 1002: Ms. WASSERMAN SCHULTZ.

H.R. 1128: Mr. SESSIONS.

H.R. 1188: Mr. WYNN, Mr. FRANK of Massachusetts, Ms. BALDWIN, Mr. LEWIS of Georgia, and Mr. MILLER of North Carolina.

H.R. 1241: Ms. BERKLEY.

H.R. 1245: Mr. GENE GREEN of Texas, Mr. FATTAH, Mr. HAYWORTH, and Mr. BOOZMAN.

H.R. 1248: Mr. HERGER.

H.R. 1351: Mr. BROWN of Ohio.

H.R. 1471: Mr. TURNER.

H.R. 1595: Mr. HOYER.

H.R. 1690: Mr. TOWNS.

H.R. 1816: Mr. PEARCE and Mr. HERGER.

H.R. 1849: Mr. COSTELLO and Mr. BLUMENAUER.

H.R. 2037: Mr. HOLDEN and Mr. BRADLEY of New Hampshire.

H.R. 2177: Mr. FITZPATRICK of Pennsylvania.

H.R. 2357: Mr. FORBES.

H.R. 2369: Mr. WAXMAN and Mr. TERRY.

H.R. 2421: Mr. LEWIS of Georgia and Mr. NEAL of Massachusetts.

H.R. 2646: Mr. CLEAVER.

H.R. 2683: Mr. DOGGETT.

H.R. 2808: Mr. INSLEE, Mr. HIGGINS, Mr. WHITFIELD, Ms. JACKSON-LEE of Texas, Mr. ENGLISH of Pennsylvania, Mr. GERLACH, Mr. SIMMONS, Mr. CARTER, Mr. ALEXANDER, Mr. REHBERG, Mr. TIAHRT, Mr. WELDON of Florida, Mrs. EMERSON, Mr. BONILLA, Mr. LATHAM, Mr. SIMPSON, Mr. BOYD, Mr. SWEENEY, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. HOBSON, Mr. WICKER, Mr. LEWIS OF GEORGIA, Mr. HOYER, and Mr. FARR.

H.R. 3006: Ms. VELÁZQUEZ and Mr. BECERRA.
H.R. 3307: Mr. GORDON, Mr. PAYNE, and Mrs. MALONEY.

H.R. 3352: Mr. FERGUSON.
H.R. 3360: Mr. FOLEY.
H.R. 3361: Mr. ENGLISH of Pennsylvania.
H.R. 3413: Mr. NEY.
H.R. 3436: Mrs. DRAKE.
H.R. 3478: Mr. OWENS.
H.R. 3762: Mr. MICHAUD.
H.R. 3986: Mr. McDERMOTT.
H.R. 4033: Mr. INSLEE, Mr. MILLER of North Carolina, Mr. McKEON, and Mr. LATHAM.

H.R. 4050: Mr. KENNEDY of Minnesota.
H.R. 4184: Mr. BUTTERFIELD.
H.R. 4212: Mr. VAN HOLLEN, Mr. McDERMOTT, and Mr. INSLEE.
H.R. 4235: Mr. UDALL of Colorado.
H.R. 4318: Mr. DOYLE and Mr. ROGERS of Michigan.

H.R. 4341: Mr. FRANKS of Arizona.
H.R. 4452: Mr. WELDON of Pennsylvania and Mr. SCHWARZ of Michigan.

H.R. 4547: Mr. HENSARLING.
H.R. 4560: Mr. BOOZMAN.
H.R. 4562: Mr. WAXMAN, Mr. SHAYS, Mr. CUMMINGS, Mr. GALLEGLY, Mr. NADLER, Mr. GORDON, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SALAZAR, Mr. STRICKLAND, Mrs. TAUSCHER, Mr. TOWNS, Mr. WATT, Mr. WEINER, Mr. MILLER of North Carolina, Mr. SANDERS, Mr. MACK, Mr. BRADLEY of New Hampshire, Mr. PASTOR, Mr. GILCHREST, and Mr. GOODE.

H.R. 4593: Mr. FORD.
H.R. 4594: Mr. FORD.
H.R. 4595: Mr. FORD.
H.R. 4596: Mr. ABERCROMBIE and Mr. JEFFERSON.

H.R. 4725: Mr. McHENRY, Mr. GINGREY, Mr. PUTNAM, Mrs. DRAKE, Mr. BURGESS, Mr. ENGLISH of Pennsylvania, Mr. LINDER, Mr. SODREL, Mr. FEENEY, Mr. PRICE of Georgia, and Mr. BLUNT.

H.R. 4746: Mr. PASTOR.
H.R. 4751: Mr. MCGOVERN and Mr. DOGGETT.
H.R. 4761: Mr. SHADEGG and Miss McMORRIS.

H.R. 4857: Mr. REHBERG, Mr. NUNES, and Mrs. CUBIN.

H.R. 4892: Mr. ENGLISH of Pennsylvania.
H.R. 4894: Mr. DENT, Mr. OTTER, and Mr. BACHUS.

H.R. 4914: Mr. GRIJALVA.
H.R. 4962: Mr. WEINER, Mrs. KELLY, and Mr. OWENS.

H.R. 4985: Mr. BOSWELL and Mr. NEUGEBAUER.

H.R. 5005: Mr. DAVIS of Kentucky, Mrs. DRAKE, Mrs. EMERSON, Mr. HENSARLING, and Mr. HOLDEN.

H.R. 5013: Mr. MILLER of Florida, Mr. LINDER, Mr. KENNEDY of Minnesota, Mrs. BLACKBURN, Mr. ROGERS of Michigan, and Mr. BRADLEY of New Hampshire.

H.R. 5053: Mr. SODREL, Mr. WOLF, and Mr. FORD.

H.R. 5088: Ms. MOORE of Wisconsin, Mr. HONDA, and Mr. McDERMOTT.

H.R. 5092: Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. DAVIS of Tennessee, Mr. MILLER of Florida, Mr. MATHESON, Mr. SCHWARZ of Michigan, Mr. BARRETT of South Carolina, Mr. BARROW, Mr. JENKINS, Mr. BOREN, Mr. ADERHOLT, Mr. WILSON of South Carolina, Mr. DOOLITTLE, Mr. ALEXANDER, Mrs. DRAKE, Mr. BISHOP of Georgia, Mr. EVERETT, Mr. KELLER, Mr. DAVIS of Kentucky, Mr. POE,

Mr. BOYD, Mrs. EMERSON, Mr. BERRY, Mr. PLATTS, and Mr. MICHAUD.

H.R. 5099: Mrs. CUBIN.

H.R. 5106: Mr. CARDOZA, Ms. ROYBAL-AL-LARD, Mr. PORTER, Mr. SALAZAR, Ms. WASSERMAN SCHULTZ, Mr. MOLLOHAN, Mr. PICKERING, and Mr. COSTA.

H.R. 5121: Ms. HART, Ms. BERKLEY, and Mr. DAVIS of Alabama.

H.R. 5159: Ms. CORRINE BROWN of Florida, Mr. SENSENBRENNER, Mr. GILLMOR, Ms. ESHOO, Mr. ETHERIDGE, Mr. CUMMINGS, Mr. MCGOVERN, Mr. KENNEDY of Minnesota, Mr. REGULA, Mr. SHAW, Mr. BOEHLERT, Mr. MOORE of Kansas, and Mr. COSTELLO.

H.R. 5171: Mr. JEFFERSON and Mr. STUPAK.
H.R. 5182: Mr. ROGERS of Alabama, Mr. CARTER, and Mr. AL GREEN of Texas.

H.R. 5189: Mr. MCINTYRE.
H.R. 5200: Mr. LOBIONDO, Mr. BISHOP of New York, and Mr. OTTER.

H.R. 5201: Mr. DAVIS of Alabama.
H.R. 5233: Mr. KILDEE and Mr. PAYNE.

H.R. 5288: Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. SPRATT, and Mr. EMANUEL.

H.R. 5293: Mr. CASTLE, Mr. SAM JOHNSON of Texas, Mrs. DRAKE, Mr. EHLERS, Ms. LEE, Ms. MATSUI, Mr. SIMMONS, Mr. RYAN of Ohio, Mr. DOGGETT, Mr. MCCOTTER, Mrs. BIGGERT, Mrs. MALONEY, Mr. McHUGH, Mr. WU, Mr. LOBIONDO, Mr. HOLT, Mr. KIND, Mrs. CAPITO, Mr. KUHLMAN of New York, Ms. KILPATRICK of Michigan, Mr. OSBORNE, and Mr. HALL.

H.R. 5317: Ms. FOXF and Mr. McCOTTER.
H.R. 5321: Mr. RANGEL and Mr. CUMMINGS.

H.R. 5334: Mr. McHUGH.

H.R. 5337: Ms. CARSON, Mr. ENGLISH of Pennsylvania, Mr. ISRAEL, Ms. MOORE of Wisconsin, and Mr. SHUSTER.

H.R. 5344: Mr. BLUMENAUER.

H.R. 5351: Mr. ISRAEL and Mr. ENGLISH of Pennsylvania.

H.R. 5356: Mr. GORDON, Mr. REICHERT, Mr. WYNN, Mr. BARTLETT of Maryland, and Ms. HOOLEY.

H.R. 5358: Mr. BONNER, Mr. GORDON, Mr. REICHERT, Mr. WYNN, Mr. BARTLETT of Maryland, and Ms. HOOLEY.

H.R. 5382: Mr. INGLIS of South Carolina.
H.R. 5388: Ms. JACKSON-LEE of Texas.

H.R. 5452: Mr. REHBERG.

H.R. 5455: Mr. SPRATT, Mr. BISHOP of New York, Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. MARSHALL, Mr. DAVIS of Tennessee, Mr. BOREN, Mr. CARDOZA, Mr. WEINER, Mr. EVANS, Mr. COSTELLO, Mr. MILLER of North Carolina, Mr. WAXMAN, Ms. WOOLSEY, Mr. VAN HOLLEN, and Ms. HARMAN.

H.R. 5476: Mr. MILLER of Florida, Mrs. BLACKBURN, Mr. MCCOTTER, and Mr. NEUGEBAUER.

H.R. 5484: Mr. JINDAL, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. WAMP, Mr. AKIN, Mr. BISHOP of Utah, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. WESTMORELAND, Mr. CULBERSON, Mr. NEUGEBAUER, Mr. PENCE, Mr. GARY G. MILLER of California, Mr. SHADEGG, Mrs. MUSGRAVE, Mr. GALLEGLY, and Mrs. MYRICK.

H.R. 5500: Mr. FEENEY, Mrs. BLACKBURN, Ms. FOXF, and Mr. MILLER of Florida.

H.R. 5520: Mr. COBLE, Mr. DANIEL E. LUNGREN of California, Mr. BOUSTANY, Mr. GILCHREST, Mr. POMBO, Mr. DOOLITTLE, Mr. PRICE of Georgia, Mr. ALEXANDER, Mr. RAMSTAD, Mr. PENCE, Mr. BONNER, Mr. CRAMER, Mr. PASTOR, Mr. SMITH of New Jersey, Mr. RAHALL, Mr. ENGLISH of Pennsylvania, and Mrs. MYRICK.

H.R. 5525: Mr. CUMMINGS and Mr. RUPPERSBERGER.

H.R. 5536: Mr. PETERSON of Minnesota.
H.R. 5538: Mr. EHLERS.

H.J. Res. 87: Mrs. CAPPS and Ms. DeLAURO.
H. Con. Res. 338: Ms. BERKLEY.

H. Con. Res. 367: Mr. NORWOOD.
H. Con. Res. 402: Mr. BASS.

H. Con. Res. 412: Mr. SHAYS.

H. Con. Res. 419: Mr. TOWNS and Mr. RANGEL.

H. Res. 316: Mr. ENGLISH of Pennsylvania.

H. Res. 723: Mr. MICHAUD, Mr. LEVIN, and Mr. SERRANO.

H. Res. 745: Mr. WILSON of South Carolina.

H. Res. 800: Mr. McCAUL of Texas, Mrs. BONO, and Mr. COBLE.

H. Res. 825: Mr. FRANK of Massachusetts.

H. Res. 826: Mr. WAXMAN, Mr. MORAN of Kansas, Mr. INGLIS of South Carolina, Mr. TOM DAVIS of Virginia, Mr. SMITH of Washington, Mr. HERGER, Mr. SULLIVAN, Mr. HOLDEN, Mr. RUSH, Mr. COSTA, Mr. DOYLE, and Mr. RYUN of Kansas.

H. Res. 852: Mr. SWEENEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2048: Ms. BALDWIN, Ms. DeGETTE, Ms. SCHAKOWSKY, and Mr. MARKEY.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5522

OFFERED BY: Mr. DEAL OF GEORGIA

AMENDMENT No. 13: Page 138, beginning on line 12, strike “indicted for” and insert “charged with”.

Page 138 line 14, strike “, unless” and all that follows through “United States” on line 18.

H.R. 5522

OFFERED BY: Mr. McHENRY

AMENDMENT No. 14: Page 137, line 11, strike “, unless” and all that follows through “United States” on line 15.

H.R. 5522

OFFERED BY: Mr. HEFLEY

AMENDMENT No. 15: At the end of the bill (before the short title), insert the following:

REDUCTION IN APPROPRIATIONS

SEC. 5xx. Appropriations made in this Act are hereby reduced in the amount of \$213,000,000.

H.R. 5522

OFFERED BY: Ms. JACKSON-LEE OF TEXAS

AMENDMENT No. 16: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used to assist any foreign government in enforcing any religious law that has the effect of punishing a victim of sexual assault or rape.

H.R. 5522

OFFERED BY: Ms. JACKSON-LEE OF TEXAS

AMENDMENT No. 17: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act may be used for activities that eliminate security protection for elected officials, particularly female elected officials, of foreign governments.

H.R. 5522

OFFERED BY: Ms. JACKSON-LEE OF TEXAS

AMENDMENT No. 18: At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available in this Act under the heading “INTERNATIONAL MILITARY EDUCATION AND TRAINING” may be used to provide training to children under the age of 18 in military exercises or military combat initiatives.